



Standards Committee

Date: FRIDAY, 29 JANUARY 2021

Time: 11.00 am

Venue: VIRTUAL PUBLIC MEETING (ACCESSIBLE REMOTELY)

Members:

Caroline Addy (Chairman)	The Very Revd. Dr. David Ison
Randall Anderson (Deputy Chairman)	Alderwoman Susan Langley
Judith Barnes (Co-opted)	Dan Large (Co-opted)
Henry Colthurst	Vivienne Littlechild
Nick Cooke (Co-opted)	Alderman & Sheriff Professor Michael Mainelli
Mary Durcan	Jeremy Simons
Helen Fentimen	Elizabeth Walters (Co-opted)
Deputy Jamie Ingham Clark	

Enquiries: Gemma Stokley
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Accessing the virtual public meeting

Members of the public can observe this virtual public meeting at the below link:

<https://youtu.be/tocyukJs1C0>

This meeting will be a virtual meeting and therefore will not take place in a physical location following regulations made under Section 78 of the Coronavirus Act 2020. A recording of the public meeting will be available via the above link following the end of the public meeting for up to one municipal year. Please note: Online meeting recordings do not constitute the formal minutes of the meeting; minutes are written and are available on the City of London Corporation's website. Recordings may be edited, at the discretion of the proper officer, to remove any inappropriate material.

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES OF THE PREVIOUS MEETING**
To agree the public minutes and summary of the meeting held virtually on 2 October 2020.

For Decision
(Pages 1 - 10)
4. **GOVERNANCE REVIEW RECOMMENDATIONS AND TRANSITIONAL ARRANGEMENTS**

For Discussion
5. **LGA MODEL CODE OF CONDUCT**
The Comptroller and City Solicitor to be heard.

For Discussion
(Pages 11 - 26)
6. **ANNUAL REVIEW OF THE PROTOCOL ON MEMBER/OFFICER RELATIONS 2020**
Joint report of the Director of Human Resources and the Comptroller and City Solicitor.

For Information
(Pages 27 - 50)
7. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
8. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
9. **EXCLUSION OF THE PUBLIC**
MOTION: That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

For Decision

Part 2 - Non-Public Agenda

10. NON-PUBLIC MINUTES

To agree the non-public minutes of the meeting held virtually on 2 October 2020.

For Decision
(Pages 51 - 52)

Part 3 - Confidential Agenda

11. CONFIDENTIAL MINUTES

To agree the confidential minutes of the meeting held virtually on 2 October 2020.

For Decision

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STANDARDS COMMITTEE

Friday, 2 October 2020

Minutes of the meeting of the Standards Committee held at Committee Rooms on Friday, 2 October 2020 at 11.00 am

Present

Members:

Caroline Addy
Randall Anderson
Judith Barnes (Co-opted)
Henry Colthurst
Nick Cooke (Co-opted)
Deputy Jamie Ingham Clark
Mary Durcan
Helen Fentimen
The Very Revd. Dr. David Ison (Co-opted)
Alderman Susan Langley
Vivienne Littlechild
Alderman & Sheriff Professor Michael Mainelli
Jeremy Simons
Elizabeth Walters (Co-opted)

Officers:

Gemma Stokley	- Town Clerk's Department
Antoinette Duhaney	- Town Clerk's Department
Rhiannon Leary	- Town Clerk's Department
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
James Gibson	- IS Services

In attendance:

Mark Bostock – Common Councillor
Marianne Fredericks - Common Councillor
Graeme Harrower - Common Councillor
Ann Holmes - Common Councillor
Susan Pearson - Common Councillor

Introductions

The Town Clerk opened the meeting by introducing herself and stating that the Committee was quorate.

A roll call of Members present was undertaken.

The Town Clerk highlighted that the meeting was being recorded as well as live streamed and would be made available on the City Corporation's YouTube page for a period of time after the meeting had concluded. With this in mind, it was confirmed that participants in the meeting had all individually agreed and

given their consent to being recorded and that all personal data would be processed in accordance with the Data Protection Act 2018. The Town Clerk highlighted that, for further information on this, viewers could contact the City Corporation using the details provided on the public webpages.

The Committee's most senior Member present (Vivienne Littlechild) moved that the Committee's most senior Alderman present (Alderman & Sheriff Professor Michael Mainelli) take the Chair ahead of the election of a Chairman at agenda item 4. This motion was seconded, and Alderman Mainelli took the Chair.

1. **APOLOGIES**

Apologies for absence were received from Dan Large (Co-opted).

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

Judith Barnes (Co-opted) declared a personal interest in agenda item 15.

3. **ORDER OF THE COURT OF COMMON COUNCIL**

The Committee received the Order of the Court of Common Council of 16 July 2020 appointing the Committee and setting out its terms of reference for the ensuing year.

The Town Clerk highlighted that there were currently two vacancies on the Committee and that they would now be advertised to the full Court until such time as they were filled.

RECEIVED.

4. **ELECTION OF CHAIRMAN**

The Committee proceeded to elect a Chairman in accordance with Standing Order No. 29.

A list of Members who had expressed an interest in and were eligible to stand was read by the Town Clerk and Caroline Addy being the only Member expressing willingness to serve was duly elected Chairman for the ensuing year and took the Chair.

Ms Addy thanked the Committee for their support. The new Chair also went on to record her thanks to those who had now left the Committee – Ann Holmes, Edward Lord and Barbara Newman and to welcome new Member Helen Fentimen.

5. **ELECTION OF DEPUTY CHAIRMAN**

The Committee proceeded to elect a Deputy Chairman in accordance with Standing Order No. 30.

A list of Members who had expressed an interest in and were eligible to stand was read by the Town Clerk and Randall Anderson being the only Member expressing willingness to serve was duly elected Deputy Chairman for the ensuing year.

VOTE OF THANKS

Proposed by Barbara Newman;
Seconded unanimously;

RESOLVED UNANIMOUSLY: That the Members of the Standards Committee wish to place on record their sincere appreciation to

ANN HOLMES

for the courteous, enthusiastic and good-humoured manner in which she has carried out the duties of Chairman of this Committee since May 2019 and the leadership that she has shown in steering it through a significant period of change over the past year.

ANN'S year as Chairman saw much change and began with the appointment of seven new Committee Members. During her Chairmanship, the independent element of the work of the Committee and the wider Standards regime was also strengthened with a move to appoint a total of five as opposed to four Co-opted Members and, more recently, four instead of three Independent Persons – moves supported by the Court of Common Council.

MORE widely reported, was Ann's overseeing of further revisions to the City Corporation's Dispensations Policy and Guidance, with a view to providing an enhanced level of consistency and strengthening rules around dispensations to speak and vote. This was an emotive and complex matter and the new requirements came into effect as of January 2020 following thorough consultation and, ultimately, consideration of the views of Leading Counsel on the matter.

ANOTHER key area of the Committee's work under Ann has been its consideration of the recommendations arising from the Review of Local Government Ethical Standards by the Committee on Standards in Public Life – perhaps the most significant national event regarding Standards since the introduction of the Localism Act 2011. Work around some of these recommendations is still ongoing with a number of them requiring changes to primary legislation. However, Ann has been instrumental in terms of encouraging the progression of those issues where the City Corporation is able to act such as the introduction of legal indemnity to Independent Persons and the consideration of fixed terms of office for Independent Persons going forward.

IN taking their leave of their Chairman, her colleagues wish to convey to Ann their thanks for her dedication, resilience and good sense, for the contribution she has made to their deliberations and their best wishes for the future.

FURTHER RESOLVED: That the Town Clerk be authorised to make arrangements for the resolution to be presented in a manner agreeable to the past Chairman.

6. **MINUTES OF THE PREVIOUS MEETING**

The public minutes of the meeting held virtually on 1 May 2020 were considered.

MATTERS ARISING

Member v. Member Complaints (page 6) – A Co-opted Member questioned if the Comptroller and City Solicitor had had the opportunity to gather any comparative data from other similar legislative bodies to ascertain whether the number of Member on Member complaints dealt with by the City Corporation was an anomaly. The Comptroller and City Solicitor reported that this work had had to be deprioritised in the face of the current pandemic but that he would make contact with those boroughs that the City Corporation had the most contact with on these matters, with a view to reporting back to the Committee on this at their next meeting in January 2021.

7. **PUBLIC MINUTES OF SUB-COMMITTEE MEETINGS:**

7a) **ASSESSMENT SUB (STANDARDS) COMMITTEE - 31 JULY 2020**

The Committee received the minutes of the Assessment Sub (Standards) Committee meeting held virtually on 31 July 2020.

RECEIVED.

7b) **ASSESSMENT SUB (STANDARDS) COMMITTEE - 3 SEPTEMBER 2020**

The Committee received the minutes of the Assessment Sub (Standards) Committee meeting held virtually on 3 September 2020.

RECEIVED.

7c) **DISPENSATIONS SUB (STANDARDS) COMMITTEE - 18 SEPTEMBER 2020**

The Committee received the minutes of the Dispensations Sub (Standards) Committee meeting held virtually on 18 September 2020.

A Co-opted Member commented that she was assuming that the dispensations granted were in line with the Dispensations Policy but that, if so, that did not seem to be what was recorded here as what the decision appeared to do was to grant a dispensation to speak on general housing matters without saying what they are and cross referencing the definition as set out within the Policy. The decision also did not appear to limit the right to speak in any way whereas the policy limits it to housing matters that affect all of the Corporation's tenants or leaseholders on a particular estate equally. She went on to argue that, without those elements explicitly included, the dispensation granted would appear to be unlawful as per the advice of Leading Counsel and asked that they therefore be included within the decision and public minutes.

The Chair agreed that it was preferable for the decision to be explicit in terms of compliance with the Policy and asked that the amendment be made with the final version of the minutes referred back to the members of the Sub-Committee for approval ahead of publication.

RECEIVED.

8. FIXED TERMS FOR INDEPENDENT PERSONS

The Committee considered a report of the Comptroller and City Solicitor relative to the introduction of fixed terms for Independent Persons.

The Comptroller and City Solicitor clarified that the main decision for the Committee today was around the length of term to be introduced.

The Chair commented that, in her opinion, the argument that there should be fixed terms for Independent Persons was unarguable. She added that independence and the appearance of independence was an important factor in determining length of term as was having sufficient time to know and understand the mechanics. She concluded by stating that her preference would be to not adopt a 4-year term renewable once as she felt that 8 years was a long term and would prefer to see a speedier turnover.

A Member spoke to compare and contrast with other Corporation Committees in terms of the length of terms granted to independent or external appointees. He highlighted that the external appointees played a particularly important role on the Audit and Risk Management Committee where they were appointed for a maximum of three periods of 3 years (9 years in total). Likewise, recommendations from the Charity Commission for Trustees sitting on Trusts were around a maximum of 9 years. He suggested that the Committee might therefore reflect on this before deciding that a term of 8 years might be too long.

Another Member spoke to agree with the previous speaker stating that he would be content with two terms of 4 years and stressing that he felt that there were many benefits to continuity of service. He added that this approach had been adopted by the Education Board which he had formerly chaired and had been successful. In his experience, this also seemed to be the approach taken with corporate appointments.

The Chair recognised that the calibre of candidate appointed was also an important factor and highlighted that there was not an inexhaustible pool of people with relevant experience and willingness to serve.

Another Member spoke to agree that, in the private sector, FCA and Charity Sector, common practice was to appoint for two terms of three years with a further term of three years available by exception. She suggested that a decision around maximum terms of either 8 or 9 years would therefore seem appropriate here.

The Deputy Chairman spoke to state that, whilst he did not feel particularly strongly about this, the prospect that the Committee on Standards in Public Life (CSPL) recommendations could become law swayed him towards adopting 2-year terms.

A Co-opted Member questioned whether views had been sought from the serving Independent Persons on this matter and around how best to balance independence with continuity of service. The Chair commented that she was not aware that they had been formally consulted to date although she believed that they were generally in favour of the introduction of fixed terms.

Another Co-opted Member commented that, in order to acquire adequate experience of things such as Complaints and to make a valuable contribution, he felt that a maximum period of 8 years (two terms of four years) was advisable.

A Member commented that this matter was about striking an appropriate balance between turnover and experience. In terms of service of two terms of 3 years versus two terms of 4 years, on balance, he would prefer to see two terms of 3 years introduced going forward. He also remarked that he was of the view that the CSPL recommendations could take a long while to be acted upon.

A Member commented that this conversation seemed to highlight that there ought to be a baseline position on this matter across the Corporation and that each Committee worked from this unless there was a specific reason to differentiate from it. The Chair agreed that a standardised position would be helpful going forward.

Another Member commented that she would also be in favour of introducing terms of 3 years, renewable twice given that the Court tended to operate on appointments to Committees on a 3-year basis in most cases. She also highlighted the importance of advertising positions and seeking interest in good time to manage turnover as effectively as possible and not necessarily awaiting the departure of one Independent Person before considering their replacement.

Another Member stated that, whilst she did not feel strongly either way, she would prefer to see the introduction of two terms of 3 years with a further 3 years available by exception. She also agreed with the point made by the previous speaker and stated that the Committee should always be actively seeking expressions of interest/canvassing for any upcoming vacancies.

A Co-opted Member questioned whether consideration might also be given to introducing 2-year terms, renewable three times (6 years in total) in reference to what might be proposed by the CSPL and eventually be enshrined in law. 2-year terms would also provide the opportunity for the Committee to assess any concerns around genuine independence and the like fairly regularly. The Chair commented that she would support this approach and felt that it was a good compromise between all of the various factors being discussed.

A Member spoke to refer to recommendations made by Lord Lisvane under the Governance Review and the possibility that this may lead to the Court introducing standard terms across the board for all external appointees. He added that, if this were to happen, this Committee should comply with any corporate standards introduced. The Chair agreed with this point, although she highlighted that her view was that this Committee should take a view on this

matter now given that there was currently no certainty around the timeframe for the consideration and possible implementation of the Lisvane recommendations. It was, however, recognised that the matter may need to be revisited should a wider, corporate, standard be introduced.

The Deputy Chairman spoke again to clarify that he was concerned that, should the Committee decide to adopt anything longer than 2-year terms, it risked having all of its Independent Persons on longer terms than may eventually become legislation. This could lead to all of the appointees having to be replaced at the same time when staggered end terms were clearly preferable. He felt that 2-year terms renewable three times therefore struck him as the best possible approach at this stage. He added that, even if this Committee were to cease to exist in line with Lord Lisvane's recommendations, the appointment of Independent Persons would still be necessary as it was a statutory requirement.

The Chair summarised by commenting that the introduction of much shorter maximum terms of, for example, 4 years would be totally out of step with the approach adopted by other City Corporation Committees with external/independent members. A too frequent turnover would also cause potential problems around attracting the right calibre of candidate each time. With this in mind, it was felt that the suggestion around introducing 2-year terms, renewable three times and allowing for a maximum of 6 year's service on the Committee was the most effective means of balancing all of the considerations raised. It would also mean that the Committee would be in line with what the statutory recommendations were anticipated to be and minimise disruption when these came into force.

RESOLVED – That the Standards Committee consider that a fixed term of office should be introduced for Independent Persons and that they should be appointed for 2 year terms, renewable twice after the initial appointment, resulting in a maximum period of 6 year's service overall and wish to make a recommendation to the Establishment Committee and Court of Common Council on this basis.

9. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

Governance Review – Lord Lisvane's Recommendations

A Member referred to the recently published Lisvane recommendations, particularly those pertaining to this Committee and questioned whether it might be appropriate for Members here to be seen to accept these and to agree with the Committee's abolition and replacement with an independent body – something that he would personally like to see acted upon by no later than April 2021. He accepted that, ultimately, the recommendations would need to be considered by the Policy and Resources Committee and the Court of Common Council.

The Chair commented that she had wanted to place this matter on the agenda today for proper discussion but had been advised that the recommendations would now be considered by the Resource Allocation Sub Committee (RASC)

and that it was not appropriate for individual committees to discuss the adoption or rejection of any recommendations in an ad hoc way. She would, however, expect this Committee to have an appropriate opportunity to discuss the matter at their next meeting in January 2021 and to make their views heard. She added that she would be very happy, at this stage, to record the Committee's willingness to work constructively with RASC and all other relevant bodies on the adoption of a new or amended standards regime.

A Member questioned whether it might be possible for the Committee to give some further thought to this matter after next week's Court of Common Council meeting with a view to influencing outcomes around any new arrangements.

The Deputy Chair commented that he was fairly confident that RASC would look to prioritise addressing recommendations pertaining to Standards. He added that members of this Committee were best versed in its work and role and that he therefore thought it was incumbent upon them to assist this process in any way that were able to. He suggested that an informal working party might be the best way to achieve this. The Chair added that it might also be possible to submit written representations that, in so far as possible, encapsulated an agreed position of the Standards Committee on certain matters and to submit these to RASC for their consideration at the appropriate time.

A Member who also sat on RASC, reported that Sheriff Christopher Hayward (one of the Deputy Chairs of the Policy and Resources Committee) had been tasked with leading on various 'themed' conversations around the recommendations at RASC over the next four weeks and that all Members would be given an opportunity to feed into these. He added that RASC was not unaware of the level and depth of work that was required ahead of further consideration by the Policy and Resources Committee and the Court of Common Council. It was expected that this would conclude in the New Year as opposed to this year.

The Chair added that there were many functions to this Committee and that it was perhaps quite easy to assume that establishing entirely non-Member complaint panels was the only matter to resolve. Other Members spoke to agree with and underline this point further.

A Member spoke further to reiterate that he was of the view that this Committee, as a matter of policy, should be seen to be broadly accepting recommendations concerning its proposed abolition whilst recognising that there were, indeed, more complex issues to resolve. This was likely to be supported and welcomed by the wider membership. He called for a further paper in January setting out the ways in which a new, independent, body might be set up and how the various different role performed by this Committee might be undertaken.

The Chair commented that she was personally in favour of the recommendations regarding Standards set out by Lord Lisvane but did have some reservations around suggestions as to where various functions of this Committee might go going forward.

Another Member spoke in support of the idea that this Committee ought, at this stage, to come forward in support of the recommendations made on Standards. She added that she was particularly opposed to the continuation of a complaints system whereby Members were required to sit in judgement of other Members as she felt that this created a lot of ill feeling. She added that she continued to be surprised by the number of Member on Member complaints coming forward.

Another Member spoke in support of the Lisvane recommendations pertaining to Standards. She added that her only concern was that there was a motion going before the Court next week (to which she was a signatory) and that, if passed, that may expedite work on these recommendations.

Having listened to the debate, the Chair suggested that she write to Sheriff Hayward recording the Standards Committee's willingness to embrace change and to work constructively with RASC with regards to what that change may be. It was hoped that this would set in motion a means for members of this Committee to collectively liaise on the detailed recommendations and encourage dialogue between the two bodies. Members were supportive of this approach.

The Comptroller and City Solicitor added that if the Committee would like to see a future report as to how Lord Lisvane's recommendations could be implemented, this would be possible although it was important to also bear in mind the agreed governance process for this. He added that his view was that there was nothing particularly challenging in the recommendations from a legal or governance point of view but that the time it would take to put together an independent panel and for them to then adopt their own procedures would need to be taken into consideration. He commented that the Committee may therefore wish, in due course, to suggest that independent panels continue to use the existing Complaints Procedure until such time as they were able to establish their own system. This would, ultimately, be a matter for Members to decide upon.

Another Member spoke to agree with Lord Lisvane's general thrust and supported the idea that the Chair write to Sheriff Hayward underlining the Committee's broad support for its abolition. He added that the note should, however, also clearly highlight and encapsulate all of the various functions of this Committee that would still need to be performed elsewhere going forward.

Annual Report – proposed amendments at Court of Common Council

A Member raised a question on behalf of another Member not on the Standards Committee as to the accuracy of the Annual Report and whether corrections had been made to this following proposed amendments made at the Court of Common Council in July.

The Chair reminded the Committee that the Annual Report had, for the first time this year, included a table summarising the outcomes of the various complaints dealt with over the past 12 months. The first of the cases listed simply said that a Hearing had found the Member to be in breach of the Code

of Conduct and that this decision was upheld at Appeal. What was suggested at Court , however, was that the table should specify those paragraphs of the Code that the Member had been found to be in breach of rather than, unfairly, giving the impression that there had been breaches across the board. The Chair stated that this proposed amendment was accepted at the time and apologised for the lack of clarity in the report originally submitted to the Court of Common Council. She went on to clarify that this had been amended as suggested and republished immediately after the meeting and apologised for not having made this clear to the Member who had raised this.

10. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no additional, urgent items of business for consideration.

11. EXCLUSION OF THE PUBLIC

RESOLVED - That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

<u>Item No</u>	<u>Paragraph No(s)</u>
12	3
13 – 14	-
15a) – 15b)	1 & 2

12. NON-PUBLIC MINUTES OF THE PREVIOUS MEETING

The Committee considered the non-public minutes of the meeting held virtually on 1 May 2020 and approved them as a correct record.

13. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions raised in the non-public session.

14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

There were no additional, urgent, items of business for consideration in the non-public session.

The meeting ended at 12.04 pm

Chairman

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Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. *Respect*

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 - 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. *Use of position*

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. *Use of local authority resources and facilities*

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. *Complying with the Code of Conduct*

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. *Interests*

As a councillor:

9.1 I register and declare my interests.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office 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

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office 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.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office 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.

Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Committee(s)	Dated:
Standards Committee	29 January 2021
Subject: Annual Review of the Protocol on Member/Officer Relations 2020	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	Contribute to a flourishing society - People are safe and feel safe.
Does this proposal require extra revenue and/or capital spending?	no
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain's Department?	n/a
Report of: Director of Human Resources and Comptroller and City Solicitor	For Information
Report author: Tracey Jansen	

Summary

This report provides the Committee with the annual review of the Protocol on Member/Officer Relations highlighting any related issues that have arisen during 2020. The report also includes commentary from the Comptroller and City Solicitor on Employment Tribunal cases in the past year.

Recommendation(s)

Members are asked to note the report

Main Report

Background

- This annual report has been requested by the Committee to:
 - review the Protocol on Member/Officer Relations highlighting any related issues in the past year
 - keep under review the Employee Code of Conduct
 - include a commentary about the Employment Tribunal cases in the past year

Current Position

- The Committee's Terms of Reference include responsibility to keep under review and monitor the Protocol on Member/Officer Relations. The current Protocol is attached at Appendix 1.

3. There has been one formal dispute under the Dispute Procedures which are set out in the Protocol for the period under review. This was the subject of a complaint to the Standards Committee that was originally received in October 2019, but subsequently withdrawn prior to assessment in April 2020.
4. The Terms of Reference also include keeping under review by way of annual update the Employee Code of Conduct. The Employee Code of Conduct broadly sets out the standards of conduct expected of employees and covers political neutrality, relationships with Members and the wider Nolan Principles. Breaches of the Code of Conduct are dealt with as disciplinary matters although minor breaches are dealt with informally in accordance with the statutory ACAS Code of Practice. There have been no revisions to the Code of Conduct during 2020 and the current text is attached at Appendix 2.
5. **Formal Disciplinary Cases during 2020:**
There were 11 formal cases concluded related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct. Most cases resulted in a formal warning. There were no dismissals during this period.
6. **Formal Grievances during 2020:**
There were 5 formal grievances resolved in 2020.
3 cases related to bullying and harassment
1 related to terms and conditions of employment
1 related to a protected characteristic (disability discrimination)
1 related to working conditions
7. There were no disciplinary or grievance cases which related to the Protocol on Member/Officer Relations.
8. Members are not of course ordinarily involved in day-to-day employment matters but may be required to hear appeals against dismissal of employees. As noted above there were no dismissals during 2020.
9. The Establishment Committee receives regular reports in relation to the progress of Employment Tribunal cases. Three cases were concluded in this reporting period. There are currently 14 outstanding cases, 3 of which have been brought by police officers (one is a class claim with 50+ claimants) and 2 by Police Civilian Staff. Most of these cases are at Employment Tribunal but some are at the appellate courts. One case relates to the Protocol on Member/Officer Relations.

Corporate & Strategic Implications

10. Strategic implications
This report provides Members with information needed to monitor and review the Protocol on Member/Officer Relations and to consider whether any amendments or actions arising are appropriate. The provisions within the

Protocol on Member Officer Relations support the corporate objective 'People are safe and feel safe.'

11. Legal and risk implications

Non-compliance with the Protocol on Member/Officer Relations does not in itself amount to a breach of the Member Code of Conduct. However, the purpose of the Protocol is to provide a guide to working relationships between Members and Officers, and therefore the Protocol may be referred to when interpreting the provisions of the Code in such circumstances. Other implications would need to be considered on a case by case basis.

12. Equalities implications

This is a report for information and Members will note the small number of cases referred to. Monitoring of protected characteristics is undertaken in relation to case work to identify any potential cause for concern and/or patterns that should be looked at more closely. All casework is supported by trained HR advisers who receive periodic refresher training. Additional new training is planned to support the introduction of the new Bullying and Harassment Procedure. Members also receive training prior to any involvement in disciplinary appeals against dismissal.

13. Financial & Resource, Climate, and Security Implications – no direct implications

Conclusion

14. This report summarises activity over the past year in relation to the Protocol on Member/Officer Relations and the Employee Code of Conduct.

Appendix 1 [Protocol on Member/Officer Relations](#)

Appendix 2 [Employee Code of Conduct](#)

Report author: Tracey Jansen

Position: Assistant Director of Human Resources

Department: Town Clerks

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PROTOCOL ON MEMBER / OFFICER RELATIONS

1. Introduction

- (1) The purpose of the Protocol, which was approved by the Court of Common Council on 13 April 2006, is to provide a guide to working relationships between Members of the Court (including co-opted Members) and Officers, and is in addition to any statutory requirements governing such relationships. The Protocol applies whether such relationships are in the context of the City's role as a local authority, police authority, port health authority or in any of its other roles.
- (2) Although it does not form part of the Members' or Employees' Codes of Conduct, the Protocol should be viewed in conjunction with those documents.
- (3) Responsibility for upholding the Protocol rests with the Chief Commoner and the Aldermanic Chairmen and, when necessary, the Standards Committee in relation to Members, and with the Town Clerk in relation to Officers.

2. Principles Underlying Member / Officer Relations

- (1) Good administration and effective decision-making are dependent upon the maintenance of successful working relationships between Members and Officers, based on mutual trust, respect and an understanding of respective roles and responsibilities. These relationships, and the trust which underpins them, should not be abused or compromised.
- (2) Whilst it is acceptable for Members, particularly Committee Chairmen as part of their leadership role, to offer guidance to Officers, they must not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority. It is the responsibility of Officers to provide clear, impartial advice upon which Members may make decisions.
- (3) In addition to avoiding actual impropriety, Members and Officers should also seek to avoid situations which might give rise to the suspicion and/or appearance of improper conduct.

3. Role of Members

- (1) Members are subject to:-
 - (a) the Corporation's Code of Conduct; and,
 - (b) Standing Orders of the Court of Common Council.
- (2) Members have four main areas of responsibility:-
 - (a) determining the policy and strategic direction of the Corporation
 - (b) monitoring and reviewing the performance of the Corporation in implementing that policy and delivering services
 - (c) representing the Corporation externally
 - (d) representing their constituents and stakeholders

- (3) It is not the role of Members to involve themselves in the detail of day to day management of the Corporation's services.
- (4) Members are required to take the advice of Officers into account in reaching a decision on a matter and must respect the Officers' responsibility to provide impartial advice, guidance and information.
- (5) The power to make decisions for the discharge of the authority's functions lies with the Court of Common Council and the properly constituted committees and sub-committees. A Member acting in an individual capacity cannot exercise any lawful authority and Members in general must operate through the Court of Common Council and its committees and sub committees. Members acting individually may not legally commit the Corporation.
- (6) Whilst individual Chairmen are in the same constitutional position as all other Members, having no legal authority to make executive decisions, they have certain other powers (e.g. the control and conduct of meetings) as well as a broader leadership role. Chief Officers are required to consult Chairmen (and Deputy Chairmen) before certain delegated powers are exercised.
- (7) Leading Members i.e. the Lord Mayor, the Chairman of the Policy & Resources Committee, the Chief Commoner and other Committee Chairmen (or Deputy Chairmen with the agreement of, or in the absence of, the relevant Chairman) can speak for the Corporation on matters appropriate to their roles and in accordance with the policy of the Corporation. Arrangements for media interviews and the issue of press releases will be made through or in agreement with the Public Relations Office.
- (8) Whilst all other Members have opportunities to promote the work of the Corporation with the people they meet and when entertaining on behalf of the Corporation, they cannot act as spokesmen for the Corporation.

4. Role of Officers

- (1) Officers are subject to:
 - (a) the Corporation's Code of Conduct;
 - (b) Standing Orders of the Court of Common Council;
 - (c) Financial Regulations; and,
 - (d) other instructions and professional guidelines relevant to their duties.
- (2) The primary role of Officers is to provide impartial advice, guidance and information to Members, and to implement promptly and efficiently the policies determined by the Court of Common Council and its various committees. Certain Officers have specific statutory responsibilities.
- (3) Officers must recognise the right of Members, as elected representatives, to determine the policy of the authority and must not act in any way to undermine that right.

- (4) Officers serve the Corporation as a whole and must carry out the work of the Corporation under the direction and control of the Court of Common Council and the properly constituted committees and sub-committees.

5. Expectations

- (1) Members have a right to expect from Officers:-
- (a) commitment to the Corporation as a whole
 - (b) a working partnership
 - (c) an understanding of, and support for, respective roles, workloads and pressures
 - (d) timely response to enquiries and complaints and the efficient execution of decisions
 - (e) impartial, professional advice and guidance
 - (f) regular, up to date information on matters appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions they hold
 - (g) respect, dignity and courtesy
 - (h) integrity, mutual support and appropriate confidentiality
 - (i) not to have personal issues raised with them outside the agreed procedures
 - (k) that they will not use their relationship with Members to advance their personal interests or to influence decisions improperly
 - (l) compliance at all times with the relevant Code of Conduct
 - (m) Commitment to equality, diversity and inclusion in their relationship with Members and colleagues
- (2) Officers have a right to expect from Members:-
- (a) a working partnership
 - (b) an understanding of, and support for, respective roles, workloads and pressures
 - (c) leadership and policy direction
 - (d) respect, dignity and courtesy
 - (e) integrity, mutual support and appropriate confidentiality
 - (f) not to be subject to bullying or to be placed under undue pressure and, in this respect, Members should have regard to the seniority of Officers in their dealings with them ie. they should not engage junior officers in discussions and requests more properly directed at senior officers
 - (g) that they will not use their relationship with Officers to advance their personal interests or to influence decisions improperly
 - (h) compliance at all times with the relevant Code of Conduct
 - (i) Commitment to equality, diversity and inclusion in their relationship with Officers and colleagues

6. Members in the Ward Role

Members will, through their work with their electorate and stakeholders, need to contact Officers to obtain information on behalf of their constituents and others. This is perfectly in order and from time to time it may be appropriate for Officers to reply to constituents etc. on behalf of, or at the request of, Members.

7. Correspondence and Communications

Members may contact (i.e. by letter, e-mail, fax, telephone) Officers to seek advice, guidance or information. Whatever method of communication is used, Members should receive an acknowledgement as soon as possible, but in any event within 2 working days, and a full response as soon as possible thereafter within 10 working days of receipt of the request. If for any reason this is not possible, a holding reply setting out the reasons for the delay should be sent as soon as possible following the acknowledgement, but in any event before the expiry of the 10 working days.

8. Limitations on Behaviour

The separate roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration:-

- (1) personal relationships between Members and Officers going beyond normal working relationships can confuse/obscure the separate roles and interfere with the proper discharge of the authority's functions, not least in creating the perception in others that a particular Member or Officer may secure advantageous treatment;
- (2) the need to maintain and recognise the separate roles means that there are limits to the matters on which Members may seek the advice of Officers;
- (3) relationships with particular individuals should not be such as to create a suspicion/perception that an Officer favours a particular Member above others.

9. Reports

- (1) Chairmen of committees or sub-committees may, on behalf of the committees or sub-committees concerned, make reasonable requests to Chief Officers or other Officers to prepare written reports on matters relating to the authority for consideration at Member-level. Such requests should not seek confidential information (e.g. relating to case work or personal details of applicants for services).
- (2) Any disagreement relating to such a request (e.g. if the Chief Officer concerned considers that the cost of providing the information or the nature of the request is unreasonable) should be referred to the Town Clerk.

10. Members' Access to Documents and Information

- (1) Members' rights of access to documents and information are governed by the common law and statute. Members have such access to documents and information that is reasonably necessary to enable them properly to perform their duties as elected representatives.
- (2) Generally, information should, therefore, be made available to Members on request unless there is a justifiable legal or other reason for declining access.
- (3) Standing Order No. 42 sets out the detail on Members' access to documents.

- (4) If the information is not readily available or will require significant resources to produce, Officers should seek the guidance of their Chief Officer before taking steps to provide information that has been requested.

11. Other Members of Corporation Committees

Co-opted Members of the various committees, the Verderers serving on the Epping Forest & Commons Committee and the Independent Members of the Standards Committee are entitled to receive documents and information relating to their appointments in the same way as if they were elected Members.

12. Dispute Procedures

- (1) The overriding objective in any dispute is to achieve a satisfactory resolution through informal channels. However, it has to be recognised that this might not always be possible.
- (2) Procedure for Members:-
- (a) If a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Chief Officer.
 - (b) If the employee concerned is a Chief Officer, the matter should be raised with the Town Clerk. (In the case of the Town Clerk there is a separate procedure.)
 - (c) If the matter cannot be resolved informally, it may be necessary to resort to the Corporation's Disciplinary Procedure.
- (3) Procedure for Officers:-
- (a) If an Officer is dissatisfied with the conduct or behaviour of a Member, they are encouraged to raise the matter with the appropriate Chief Officer or the Town Clerk with a view to seeking to resolve their concerns informally if possible. This may result in the matter being referred to the Chief Commoner or one of the Aldermanic Chairmen where appropriate.
 - (b) An Officer also has the same right as any other person under the Localism Act 2011 to make a complaint to the Standards Committee where they consider that there has been a breach of the Members' Code of Conduct.

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Code of Conduct

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Scope

1. The Code of Conduct (the 'Code') applies to all employees and other workers (including casual workers, agency workers and consultants)¹ and their conduct both within the organisation and when dealing with other organisations as a representative of the City of London Corporation. For ease of reference the term "employees and / or other workers" will be used unless otherwise stated as applying only to employees or specified other workers.
2. Where there are additional requirements in the policy applicable to Chief Officers and senior managers at grades I and J (including any other employees and other workers with the same level of seniority); for ease of reference the term "Senior Management" will be used, unless it is stated as applying only to part of this group.
3. As far as possible, employees must also comply with the Code if they are appointed as a representative of the City Corporation in any organisation, trust or company in addition to the requirements of such bodies.
4. The principles detailed below set common standards for all employees and other workers, but individual Chief Officers may wish to issue further guidance specifically relating to their departmental service requirements, which will supplement but not contradict the principles contained in this Code.
5. The Code does not affect an employee's and other worker's rights and responsibilities under the law. These principles should be taken in conjunction with requirements set down by any employees or other worker's professional bodies obligations.
6. The Code cannot cover every eventuality and if in any doubt or any additional guidance is required, employees and other workers should consult their line manager, who may seek advice as necessary from Corporate HR or their HR contact.

Standards

7. Employees and other workers are expected to give the highest possible standard of service to the public, service users, Members, management and colleagues; and where it is part of their duties to provide advice to Members, management and colleagues to do so with impartiality and in good faith.
8. This will be achieved in part through the demonstration of effective and appropriate behaviours defined internally, and adherence to the Principles of Public Life i.e. selflessness, objectivity, accountability, openness, leadership, honesty and integrity in which the public, Members, or managers can trust. Employees and other workers are expected to conduct themselves with the reasonably held belief that the City Corporation is

¹ Where stated, parts of the Code relate to external volunteers.

not likely to fundamentally undermine the required relationship of trust and confidence between themselves and the organisation.

9. There is an implied duty in employment and casual worker contracts to serve the employer with good faith and fidelity i.e. the duty: not to disrupt the employer's business, not to compete, not to solicit customers, not to entice employees, not to misuse the employer's property; and the duty: of confidentiality and to account, and to disclose wrongdoings; the duty to: obey lawful and reasonable instructions, to be adaptable and to exercise reasonable care and skill. Equivalent provisions will be included in contracts with other workers.
10. Employees and other workers must immediately inform their line manager in writing if, during their City Corporation employment / engagement circumstances arise (during or outside of working hours) that could reasonably be expected to impact on their capability, capacity and / or suitability to carry out the duties and responsibilities of their role.
11. Employees and other workers must not conduct themselves in a way that brings or could bring the City Corporation, Members, service users, partners and colleagues into disrepute or cause reputational damage; so that it is likely to destroy or seriously damage the relationship of trust and confidence between them.
12. All employees and other workers should refer any press or media enquiries directly to the Media Team, without engagement. Any article, publication or interview given on City Corporation policy or activity must be properly authorised by the Director of Communications or Head of Media.
13. To ensure compliance with the Code of Conduct, employees and other workers should periodically familiarise themselves with the latest version and any documents referred to therein. Employees and other workers should also have read and understood the conditions under which they are engaged, including all local policies, which take into account all legislation and any local and national schemes where applicable. This Code and corporate employment policies are contained within the Employee Handbook.
14. Any substantive contravention of this Code may result in disciplinary proceedings, and those disciplinary proceedings may result in dismissal. For other workers not falling within the scope of disciplinary procedures appropriate action will be taken. In addition, certain cases such as those involving bribery, corruption or fraud may also be referred to the Police and subject to a criminal investigation. Where the offence involves financial irregularities then the City Corporation will aim to recover its assets.
15. Employees and other workers shall not during or at any time after their employment / engagement with the City Corporation ending (except in the proper course of their duties or unless required by law), disclose or otherwise make use of any confidential information relating to the City Corporation's business, strategy, policies or finances, including personal information relating to service users, Members or employees or other workers. (See Disclosure of Information below).
16. Employees and other workers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management

potential deficiencies in the provision of service. Employees and other workers must report impropriety or any material breaches of procedure to the appropriate manager. The Whistleblowing Policy is also available to employees who feel they need to raise an issue outside of the management chain.

17. The Director of Human Resources will be responsible for the interpretation, advice and management of this Code on behalf of the City Corporation.

Conflicts of Interest

18. All City Corporation employees and other workers must remain beyond suspicion and ensure that they are not placed in a position that risks, or appears to risk, conflict between their private interests and their City Corporation duties.
19. The Conflicts of Interests Policy sets out the process to report the type of incidents which may give rise to conflicts of interest including for example: relationships, personal interests, secondary employment or running a business, outside commitments, and the giving or receiving of sponsorship (whether awarded from outside or by the City Corporation), procurement activities, gifts and hospitality. In addition, where employees and other workers self-identify any other type of conflict / potential conflict of interest these should be disclosed as soon as they become aware of them.
20. Senior management are required to make disclosures or confirm a nil return on a wider range of categories than employees and other workers; this is in line with their responsibilities for the activities of the City Corporation, its workforce and for advising Members on the potential implications of political decisions.
21. An employee wishing to undertake additional employment will require permission in advance from their Chief Officer. The City Corporation will not prevent an employee from undertaking additional employment providing it does not conflict with the interests of, or in any way weaken public confidence in the City Corporation and does not in any way affect performance of their duties and responsibilities whilst they are at work; or where their current position could confer advantage to their private interest/personal gain. If there is a conflict the manager can ask an employee to discontinue with conflicting additional work or business interests. Permission given to undertake an additional role does not preclude the City Corporation taking action in response to its impact on their work performance.

Disclosure of Information

22. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.
23. Most Committee agendas and most reports and background papers are required by law to be available for public inspection. Obstruction of a member of the public who wishes to exercise their lawful rights to access documents may be a criminal offence. Detailed guidance is available from the Town Clerk's department.

24. The public are specifically excluded from certain proceedings of Committees or meetings associated with the business of any Committee. No employee or other worker shall communicate to the public, the confidential content of such proceedings or any document relating to the City Corporation, unless required by law or expressly authorised by the Town Clerk to do so. Equally, no employee or other workers shall disclose confidential information to other employees or other workers who have no reason to know.
25. Employees and other workers have a responsibility to protect and not disclose commercially sensitive information unless required to effectively perform their duties. Guidance should be sought from the appropriate Chief Officer.
26. Employees and other workers have a duty to maintain confidentiality and must not disclose any information obtained in the course of their employment or engagement to any third party for any unauthorised reason.
27. Employees and other workers 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.
28. Employees and other workers must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, such information which is stored on computer systems must also only be disclosed in accordance with the requirements of the Data Protection Act. A disclosure which complies with the requirements of the Whistleblowing Policy will be regarded as an authorised disclosure.

Political Neutrality

29. Employees and other workers serve the City Corporation as a whole and must not allow their own personal or political opinions to interfere with their work. They must serve all Members and colleagues; and must ensure that the individual rights of all Members and employees are respected. Employees and other workers whether or not politically restricted, must follow every lawfully expressed policy of the City Corporation. Where a City Corporation employee or other worker holds a politically restricted post such restriction is deemed to be incorporated in their contract of employment / engagement. (See the Politically Restricted Posts Policy).

Criminal Convictions and Driving Offences

30. Prospective employees and other workers will be asked to disclose convictions during the City Corporation's recruitment process in accordance with the DBS Code of Practice. Employees and other workers must declare actual convictions including driving offences during their employment. The existence of convictions will not preclude the appointment of candidates to the City Corporation unless relevant to the post.

31. During the course of employment or engagement, if required by the City Corporation due to the nature of their role, employees and other workers will be subject to repeat criminal record disclosure checks. (See the Disclosure and Barring Service Policy).

Relationships

Relatives and close personal relationships

32. Employees and other workers must declare using the Declaration of Interest Form (Officers) any close personal relationships they have with any candidates for appointment to a vacancy (as they become aware of them); a Member; contractor / potential contractor; City Corporation partner organisation; a service user; or as a manager / supervisor with an employee and other worker or vice versa to ensure that potential problems are avoided. Similarly, where a relationship is formed in the workplace and there is potential for conflict to arise, this should be declared. Any such disclosures will be dealt with sensitively.
33. To avoid accusations of impropriety employees and other workers should not be involved in the administration or decision-making in any City Corporation employment or service provision matters for relatives and anyone with whom they have a close personal relationship, including a child. (See the Conflicts of Interests Policy).

Other employees / workers and managers

34. All employees and other workers have a responsibility to act in a way that ensures dignity and respect for their colleagues. All employees and other workers are expected to adhere to the standards of behaviour as set out in the City Corporation's relevant Policies and Procedures. In particular not to unlawfully discriminate against colleagues, or engage in any form of harassment e.g. sexual, racial.
35. The City Corporation recognises that employees and other workers who work together may have or form close personal relationships. While it does not wish to interfere with these personal relationships, the City Corporation does expect all such employees and other workers to behave in an appropriate and professional manner at work.
36. Employees and other workers with their managers have a mutual responsibility to ensure good working relationships in compliance with the policies and procedures contained in the Employee Handbook. As part of this, employees and other workers should carry out any reasonable and lawful requests that their manager makes and to do so to the best of their ability; and behave courteously, reasonably and fairly in all dealings with their managers. Managers should endeavour to reasonably support employees and other workers in the proper performance of their duties, including assistance, where necessary, in working with others; and behave courteously, reasonably and fairly in all dealings with their teams.

Members

37. Employees and other workers are responsible to the City Corporation as an organisation through its Chief Officers and the Town Clerk and Chief Executive as the Head of Paid Service. The role of some employees is to give advice and information to Members and for all employees and other workers to implement the policies determined by the City Corporation.
38. Mutual respect between employees, other workers and Members is essential, and relationships should be conducted on a constructive and professional basis. In this regard, the City Corporation has adopted a Protocol on Member / Officer Relations.
39. Employees and other workers should self-declare any relationship they have with a Member in the interest of transparency and must not lobby Members inappropriately in relation to personal issues affecting either their employment or other matters personal to them. This does not preclude employees who are also residents of the City of London, from raising matters in relation to local matters, appropriately in their own time.

Public and service users

40. Employees and other workers should always remember their responsibilities to the public and service users they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals as defined by the policy statements of the City Corporation. All stakeholders (e.g. residents, service users and city workers) have a right to be treated with fairness and equality.
41. Where an employee or other worker is either a relative or in a close personal relationship with a member of the public or service user, such relationships must be declared promptly to the line manager or senior manager to determine the appropriate action. (See the Conflicts of Interest Policy).

Other Employment Matters

42. Employees and other workers occupying posts which require registration with a statutory body (e.g. the Health and Care Professions Council (HCPC) Register of Social Workers), or any other mandatory membership, must ensure they maintain the necessary criteria to retain the relevant level of registration and provide evidence to their line manager accordingly. In addition, an employee or other worker must adhere with any duty to report issues with a bearing on their registration or membership and inform their line manager accordingly.
43. Employees and other workers shall dress in line with the appropriate standards set by individual departments. Any special clothing, including personal protective clothing and equipment, or uniform provided by the City Corporation must be worn where required.

44. Employees and other workers should ensure that they are displaying their corporate identification pass at all times with their photo clearly visible whilst on City Corporation premises and remove it on departure. Passes must be made available for inspection by security personnel and comply with any security requests or instructions whilst on City Corporation premises. (See the Security Policy - People).
45. All employees, other workers and volunteers are expected to notify their line manager if they are going to be absent from work; agency workers must inform their agency who will then notify the City Corporation. (See the Sickness Absence Policy).
46. All employees and other workers must be accurate in timekeeping at work, undertaking time recording where this is a requirement.

Press and media contact

47. Employees and other workers must not deal directly with the press or the media unless they have been expressly authorised by the Director of Communications or the Head of Media. All media enquiries received must be immediately referred to the Media Team, without engaging with the journalist. Any article, publication, or interview given on aspects of City Corporation policy or activity must be properly authorised by the Director of Communications or the Head of Media.

Equality and Inclusion

48. All members of the local community, customers and colleagues have a right to be treated with fairness and equity. All City Corporation employees and other workers must ensure that the City Corporation's policies relating to equality and inclusion are complied with in addition to the requirements of the law. Such policies would include the: Equal Opportunity Policy, Lone Working Policy (incorporating the Preventing Violence Policy), Grievance Procedure, Recruitment and Selection Policy and Managing People Policy. All members of the local community, customers and colleagues have a right to be treated with fairness and equity. The City Corporation has also adopted and expects compliance with the International Holocaust Remembrance Alliance definition of Antisemitism, attached as Appendix 1.

Data Protection, Information Technology and Security

49. The City Corporation encourages the use of appropriate technology to achieve efficient and effective services. Employees and other workers must ensure that they use technology professionally, appropriately and responsibly and follow the City Corporation's procedures in relation to the use of technology and access to / storage of information in relation to the General Data Protection Regulation and the Data Protection Act.
50. This also applies to external facing technology including social media which due to its nature means any comments posted either directly about or that could be associated with

the City Corporation should be regarded as public, whether made in a work or private capacity. Comments should not damage the reputation of the organisation, Members, employees, other workers or service users, or contravene the Equal Opportunity Policy. (See the Social Media Policy).

51. The City Corporation processes personal data collected in respect of the processes cited within the Code of Conduct in accordance with its Data Protection Policy (Employees) and Employee Privacy Notice. Data collected is held securely, accessed by and disclosed to individuals only for the purposes of conducting the relevant process (i.e. to ratify declarations, to investigate reported breaches) and related processes (where relevant), and as required by law.
52. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the corporate Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Disciplinary Procedure.
53. All employees and other workers must undertake data protection training as required by the City Corporation's Data Protection Officer.

Intellectual Property

54. Intellectual property is a generic term that includes inventions and patents, creative writings and drawings, photographs and images. If these are created by an employee or other worker during the course of employment or engagement, then as a general rule the property belongs to the City Corporation. Specific arrangements may exist locally.
55. Any matter or thing capable of being patented under the Patents Act 1977 whether made, developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the City Corporation through the appropriate Chief Officer, and subject to the provisions of the Patents Act, it will belong to and be the absolute property of the City Corporation.

Bribery, Corruption and Fraud

56. Employees and other workers must be aware that it is a serious criminal offence (and an act of gross misconduct) for them to corruptly 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 or other worker to demonstrate that any such rewards have not been corruptly obtained. Such acts may compromise the impartiality of the City Corporation and cause reputational, legal and financial damage.
57. It is important to avoid the perception as well as the act of bribery or corruption. Employees and other workers must comply with all applicable bribery and corruption laws.

58. Employees and other workers will not offer, promise, give, request, or agree to receive, or accept any bribes:
- in the course of their employment;
 - when conducting City Corporation business; or
 - when representing the City Corporation in any capacity. A bribe means a financial payment or other forms of reward or advantage, whether direct or indirect, that is intended to induce or influence, or has the effect of inducing or influencing, an individual, company or public body (whether in the UK or abroad) to perform their functions, including business and public duties, improperly. Improper performance includes:
 - not acting in good faith;
 - not acting impartially; and
 - not acting in accordance with a position of trust.
59. Employees and other workers must not act fraudulently, whether in relation to finances, resources or other assets. For instance employees and other workers should not directly or indirectly seek to claim entitlement to a government benefit or service (e.g. heating and housing benefits, carer and disability benefits, Blue Badge etc.) from the City Corporation, government department or other local authority by misrepresenting their true circumstances or falsification of records to secure a form of benefit whether financial or otherwise for themselves or others.

Use of Financial Resources and Property

60. Employees and other workers must ensure that they use all City Corporation funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money and to avoid legal challenge to the City Corporation.
61. All employees and other workers should be aware of and adhere to the City Corporation's Financial Regulations, Procurement Code and the Acceptable Use of IT Policy.
62. Employees and other workers must not steal, misuse, wilfully damage or take off site without permission, anything that belongs to the City Corporation.
63. Employees and other workers must not use City Corporation resources to recognise or reward colleagues without the approval of their Chief Officer.

Health, Safety and Wellbeing

64. The City Corporation as a responsible employer is committed to supporting and encouraging employees to be healthy and resilient individuals. The City Corporation has chosen to adopt a holistic and proactive approach to workplace health, safety and wellbeing, adopting preventative measures; to safeguard the physical health and mental wellbeing of employees and other workers.

65. Employees and other workers are expected to ensure that a safe working environment is maintained and prevent the risk of injury to themselves and others in accordance with the City Corporation's Health and Safety Statement, occupational health and safety policies and guidance including any local arrangements. Employees and other workers are also expected to be proactive in reporting significant hazards or danger. They should inform their line manager in the first instance, or another appropriate senior person.
66. The City Corporation has an Alcohol and Drugs Misuse Policy which is aimed at ensuring that employees and other workers are fit to work to perform their duties.

Safeguarding

67. All employees and other workers have a responsibility to safeguard the welfare of children, young people and adults at risk, whatever the role of the individual, or the City Corporation service or department they work in.
68. Any allegations or concerns that children and adults may be suffering significant harm should be raised promptly with your line manager and the City Corporation's Children and Families Service or Adult Social Care Service (see the Safeguarding Policy).

Professional Indemnity

69. If an employee, former employee or volunteer (for the purpose of this paragraph, the term 'employee' refers to the narrow definition of employed staff), is subject to a claim for professional negligence from third parties, in relation to work they carried out as part of their duties for the City Corporation (including voluntary work approved by a Chief Officer carried out in connection with the City Corporation); they will be indemnified in relation to claims for damages and reasonable legal costs (subject as follows) for breaches of professional duty arising from the bona fide execution of their duties in accordance with current policies of the City Corporation. The City Corporation reserves the right to decide whether to defend (or contribute to the costs of defending) a legal action brought against an employee.

Raising Concerns and Whistleblowing

70. The City Corporation is committed to the highest possible standards of probity. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about the conduct of any aspect of the City Corporation's work to come forward and voice those concerns to us. It is recognised that most cases will have to proceed on a confidential basis.
71. Where employees or other workers have concerns around misconduct or the lawfulness of any action or proposed action, they should raise their concerns to the appropriate manager or Chief Officer without delay.

72. The Whistleblowing Policy is also available to employees and other workers who feel they need to raise an issue outside of the management chain. Any suspicion of wrongdoing will be treated seriously and will be reviewed and analysed in accordance with the Whistleblowing or Complaints Policy, considering the Public Interest Disclosure Act, the Human Rights Act and if appropriate the City Corporation's Anti-Fraud and Corruption Strategy.
73. City Corporation employees, agency workers, and contractors should be aware that they have statutory protection against victimisation and dismissal under the Public Interest Disclosure Act 1999 (PIDA)², if they speak out genuinely against corruption and malpractice at work (see the Regulation of Investigatory Powers Act Policy). Further information on how to make a disclosure is contained in the Whistleblowing Policy.

List of appendices

- Appendix 1 – International Holocaust Remembrance Alliance (IHRA) Definition of Antisemitism and Working Examples

Links / Other Resources

- Acceptable Use of IT Policy
- Alcohol and Drugs Misuse Policy
- Anti-Fraud and Corruption Strategy
- Conflicts of Interest Policy
- Data Protection Policy (includes the Employee Privacy Notice)
- Disciplinary Procedure
- DBS Code of Practice
- Disclosure and Barring Service Policy
- Equal Opportunity Policy
- Financial Regulations
- Gifts and Hospitality Declaration Form
- Grievance Procedure
- Health and Safety Statement
- Lone Working Policy (incorporating the Preventing Violence Policy)
- Managing People Policy
- Politically Restricted Posts Policy
- Procurement Code
- Protocol on Member / Officer Relations
- Recruitment and Selection Policy
- Regulation of Investigatory Powers Act Policy
- Safeguarding Policy

² PIDA was further strengthened by the Enterprise and Regulatory Reform Act 2013.

- Security Policy - People
- Sickness Absence Policy
- Social Media Policy
- Whistleblowing Policy

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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