

# CITY AND COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE: 27 JANUARY 2009

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REPORT OF THE MONITORING OFFICER AGENDA ITEM: 5

## EMPLOYEES CODE OF CONDUCT

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### Reason for this Report

1. To provide information regarding the Employees' Code of Conduct to enable the Committee to consider undertaking a review of the Council's associated procedures, rules and guidance and to consider any training needs in this respect.

### Background

2. The Committee's terms of reference include at paragraph (b) the remit:  
  
'To advise the Council on the content of its ethical code and to update the code as appropriate.'
3. The ethical code of the Council is contained in Part 5 of the Constitution and comprises the following documents:
  - (i) The Members' Code of Conduct (adopted on 15th May 2008)
  - (ii) The Code of Conduct for Employees (adopted on 28th July 2001)
  - (iii) The Protocol on Member / Officer Relations; and
  - (iv) The Cardiff Undertaking.
4. On 5 October 2006 the Committee considered a report of the Monitoring Officer on the Council's ethical code; and has subsequently reviewed the Members' Code of Conduct; the Protocol on Member / Officer Relations; and the Cardiff Undertaking.

### Issues

5. The Code of Conduct for Employees, which was adopted by the Council on 28th July 2001, is attached as **Appendix A** to this report.

6. The Employees Code of Conduct is a statutory code, that is, it is issued by order of the National Assembly for Wales (the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001); and is automatically deemed to be incorporated into the contracts of employment of 'qualifying employees', that is, all Council employees except for teachers and firefighters.
7. Whilst any amendment or revision of the Employees' Code of Conduct is a matter for the National Assembly, the Council is responsible for the procedures, rules and guidance which support the implementation of the Code. The procedures, rules and guidance have not been reviewed or updated for a few years.
8. The Committee is invited to note the Employees' Code of Conduct and to consider whether it would wish to undertake a review of the procedures, rules and guidance which support the Code, and if so to instruct the Monitoring Officer to report on the same to a future meeting.
9. The Committee may also wish to consider the issue of training for staff on their responsibilities under the Employees Code of Conduct, once this matter has been reviewed.

## **ADVICE**

This report has been prepared by the Monitoring Officer. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the advice contained in this section.

### Legal Implications

The relevant legal provisions and the implications of these are contained within the body of this report.

### Financial Implications

There are no financial implications arising from this report.

## **RECOMMENDATIONS**

That the Committee:

- 1) note the Employee's Code of Conduct as set out as Appendix A to this report;
- 2) agree to undertake a review of the procedures, rules and guidance which support the Code, and to instruct the Monitoring Officer to report on the same to a future meeting; and
- 3) consider the issue of training for staff on their responsibilities under the Employees' Code of Conduct, and agree that the Monitoring Officer should develop and implement a training programme to embed any revised guidance.

**Kate Berry**  
**Monitoring Officer and City and County Solicitor**  
20 January 2009

### **Appendices**

Employees' Code of Conduct (July 2001) – Appendix A

#### Background papers:

Report of the Monitoring Officer to Standards & Ethics Committee 'The Council's Ethical Code' dated 5 October 2006; and minutes in respect thereof

# CODE OF CONDUCT FOR EMPLOYEES OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF

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**Dated: 28 July 2001**

## ***General Principles***

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

## ***Accountability***

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

## ***Political Neutrality***

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

## ***Relations with members, the public and other employees***

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

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<sup>1</sup> At the date of this Code, teachers and fire-fighters are not bound by its provisions.

### ***Equality***

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

### ***Stewardship***

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

### ***Personal Interests***

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

- (1) any rules of their relevant authority on the registration and declaration by employees of financial and non-financial interests,

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

### ***Whistleblowing***

9. In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.

### ***Treatment of Information***

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

confidential, or to disclose information in accordance with the Freedom of Information legislation. Where employees are uncertain about obligations to disclose or withhold information they must seek appropriate advice from Legal or Information Management officers.

### ***Appointment of Staff***

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

### ***Investigations by Monitoring Officers***

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