

CIPFA response to CLG consultation 'Codes of Conduct for Local Authority Members and Employees'

23-12-2008

1. GENERAL COMMENTS

1.1 CIPFA is pleased to offer the following comments on the CLG's consultation paper 'Communities in control : Real People, Real Power : Codes of Conduct for Local Authority Members and Employees'

1.2 CIPFA welcomes the CLG's commitment to reviewing and updating the content of the Code for members as required. In CIPFA's view, codes provide a benchmark for good behaviour and assessing conduct, whilst also providing assurance to the public that high standards are both expected and required.

2. DETAILED COMMENTS

2.2 CIPFA has the following comments to make on specific questions asked in the consultation document.

Do you agree that the members' code should apply to a member's conduct when acting in a non-official capacity?

2.3 We agree that the members' code should apply to a member's conduct when acting in a non-official capacity. In CIPFA's view the scope of the code should not stop at the boundary of official duties as the reputation of a local authority depends on the standards of everyone in it. Councillors should recognise that their leadership role means that they are regarded as role models for others to follow.

Do you think that the amendments to the members' code suggested in the chapter are required?

2.4 In CIPFA's view, it is helpful for the members' code to clarify that a member is required to register a gift or hospitality with an estimated value of at least £25 in his or her register of members' interests.

Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees' terms and conditions of employment, is needed?

2.5 In applying the employees' code, the consultation document proposes a two tier model - the first tier will apply to all authority employees and will incorporate core values and the second tier will draw on the members' code and apply to 'qualifying employees'. The consultation document provides suggested core values for all employees. CIPFA supports this approach which enshrines high level values and does not attempt to be overly prescriptive. This accords with a spirit of self regulation and acknowledges the fact many authorities already have in place their own codes and does not constrain their ability to reflect their own needs and circumstances. However, in CIPFA's view there might be a balance to be struck between private lives and the right to privacy and the requirements of the representative job.

Perhaps the code could emphasise that all actions which have a bearing on the integrity and performance of the representative role, whether on official duty or not, should be subject to the code. It is then up to the individual to take responsibility for what is purely private conduct and what is relevant to the representative role.

Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?

2.6 Where CIPFA does believe that there is an omission is in respect of hospitality. Authorities must have in place arrangements to ensure that members and employees are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and this should include hospitality. We support the proposed revision to the members' code (see paragraph 2.4) which will clarify that a member is required to register a gift or hospitality with an estimated value of at least £25 in a register of interests. CIPFA also believes that this requirement should feature in the content of the proposed core values for all employees. The spirit and ethos of good governance can be expressed as values but needs to be demonstrated through behaviour. Indeed, the guidance note to accompany the CIPFA/SOLACE framework notes " It is good practice for members and officers to reject offers of hospitality, such as sporting events, from firms that the authority is contracting with or may contract with in the future".