

## Slough Borough Council

<b>Report To:</b>	Council
<b>Date:</b>	16 <sup>th</sup> May 2024
<b>Subject:</b>	Changes to the Council's Constitution – Code of Conduct for Officers and Code of Corporate Governance as well as annual review of Constitution
<b>Chief Officer:</b>	Stephen Taylor, Monitoring Officer
<b>Contact Officer:</b>	Sarah Wilson, Assistant Director – Legal and Governance
<b>Ward(s):</b>	All
<b>Exempt:</b>	NO
<b>Appendices:</b>	Appendix A – Draft Code of Conduct for Officers Appendix B – Draft Code of Corporate Governance Appendix C – Constitution Status Update

### 1. Summary and Recommendations

- 1.1 This report sets out proposed amendments to Part 5.3 Local Code of Conduct for Employees and Part 5.9 Policy Statement on Corporate Governance. It also sets out minor housekeeping changes and provides members with a status update on the Constitution.

#### Recommendations:

Council is recommended to:

1. Approve the proposed new Part 5.3 – Code of Conduct for Officers as set out in Appendix A for inclusion in the constitution to take effect from the day after this meeting.
2. Approve the amendments to Part 5.9 – Code of Corporate Governance as set out in Appendix B to take effect from the day after this meeting.
3. Endorse the remainder of the Constitution, with agreement to minor amendments to those parts of the Constitution as highlighted in Appendix C, including removal of Part 5.10 – Guidance on Housing and Council Tax Benefits Work.

#### Reason:

The Council is required to prepare and keep up to date a constitution under the Local Government Act 2000. This requires that individual parts of the Constitution are subject to regular review to ensure they remain in accordance with the law and best practice.

The draft Code of Conduct for Officers has been considered by the Employment Committee and the draft Code of Corporate Governance has been considered by the Audit and Corporate Governance Committee. In addition all proposed changes have been reviewed by the Member Panel on the Constitution and subject to consultation as set out below.

### **Commissioner Review**

Commissioners have no specific comments on the report.

## **2. Report**

### **Options considered**

The current Codes are generally fit for purpose and the Council could choose not to update them or to amend in a different way. This is not recommended as it is good practice to regularly review parts of the Constitution and to update it to take account of any changes in law, learning and best practice.

The adoption of the revisions to the Council's Constitution recommended in this report are recommended as they are designed to improve the governance of the organisation and can be used as a basis for officer and member training and development, both as part of onboarding processes and on an ongoing basis.

### **Code of Conduct for Officers**

2.1 The draft Code of Conduct for Officers will apply to all directly employed staff, but also to any other officer, which will include agency workers, interim staff and staff seconded or with delegated authority to exercise Council functions where these meet the definition of an officer. The draft Code sets out the minimum expected standards of behaviour in order to protect the integrity of officers and the Council as a whole.

2.2 The draft Code is intended to be the officer equivalent of the Code of Conduct for Members and taken together with other codes and protocols, form an ethical framework for the Council's officers and members in order to maintain confidence in the delivery of public services.

2.3 The draft Code was subject to consultation with staff, staff networks and trade unions. Details of the consultation and response was contained in the Employment Committee report. The Employment Committee had no comments on the proposed changes. The Member Panel on the Constitution noted the amendments to provide clarity on requirements and the link to culture change, providing support for the need to incorporate this into the induction and management development programmes in the Council.

2.4 The summary of changes in the draft Code compared to the current Code are as follows:

- Clarification that the Code applies to all who are employed directly or work for the Council with the exception of staff employed in schools.
- Confirmation that all officers are expected to promote high standards in public life, respect colleagues, elected members and the public, act in a professional manner and in compliance with the Equality Act 2010 and deliver the best possible and efficient services in accordance with the Council's values and priorities. Examples are given of this,

including an obligation to report any concerns or breaches of the Code or other Council policies by others.

- Amendment to rules on political neutrality to reflect the law, including rules on politically restricted posts and confirmation that no officer can stand for office as an elected member of the Council.
- Amendment to rules on working with others, including clarification of rules on personal relationships with local community and service users and work colleagues, a new section on relationship with managers, additional guidance on relationship with contractors, suppliers of partners in service provision and on dealing with the media.
- A new section on use of social media, including examples of inappropriate use of private social media accounts.
- Explicit reference to not gaining a financial benefit from a Council role over and above proper remuneration and the fact it is a criminal offence under s.117 of the Local Government Act 1972 to accept any fee or reward other than proper remuneration.
- Removal of two categories of staff for purpose of declaring interests, instead applying the same rules to all staff and making it the responsibility of directors to maintain departmental registers of declarations.
- Addition of paragraph on acceptance of free places on conferences and courses, particularly when these involve businesses or bodies who may be interested in providing services to local authorities.
- Additional paragraphs and examples in relation to duty to prevent accidents and injuries at work.
- New section on standards of behaviour and appearance, including reference to not wearing clothing, badges or other items with political or offensive messages, wearing issued uniforms or protective clothing and only making alterations to such clothing after obtaining agreement from a manager.

2.5 Once the new Code is approved, the Council will include reference to it in training and development for new staff and as part of the governance learning programme.

## **Code of Corporate Governance**

2.6 The policy statement was last updated in 2021. This was the first time it has been prepared against the CIPFA/SOLACE Delivering Good Governance Framework (the Framework). It is proposed to update this to a formal Code of Corporate Governance, including clearer statements of commitment .

2.7 As emphasised in the Framework and CIPFA and Centre for Governance and Scrutiny (CfGS) guidance, good governance cannot be achieved or demonstrated by rules and procedures alone. Shared values that are integrated into the culture of an organisation and are reflected in behaviour and policy are hallmarks of good governance. The current Policy Statement duplicates the wording of the CIPFA/SOLACE framework against each of the principles and sub-principles. It is proposed to change this to a series of first person statements at the beginning of each section and positive commitments for officers and members under the behaviours for each principle. This replicates the approach in the

Code of Conduct for Members. This provides a strong demonstration by members and officers of their collective commitment to governance and can be utilised as a tool for the public to hold the Council to account.

2.8 The draft Code was taken to the Audit and Corporate Governance Committee and staff and members were consulted via CLT, staff networks, trade unions, the corporate governance working group and the Member Panel on the Constitution. No specific comments were made.

2.9 Following approval, the Code will be used as a basis to test the Council's governance arrangements on an annual basis in the Annual Governance Statement (AGS). It will also be utilised in member and officer development programmes.

### **Other housekeeping changes**

2.10 Appendix C sets out minor amendments to the Constitution as follows:

Part 3.1 Minor amendments to remove reference to specific committees and confirm that Employment Committee is not a quasi-legal body.

Part 5.10 Remove section as does not reflect current legislation and duplicates requirements set out in Member Officer Relations Protocol and Code of Conduct for Members.

2.11 The plan for reviewing the Constitution in 2024/25 includes the following:

- (a) Article 12, Part 3.6 – to be kept under review following new Chief Executive to ensure it reflects up to date senior leadership structure.
- (b) Council Procedure Rules – to be reviewed by new Monitoring Officer.
- (c) Budget and Policy Framework Procedure Rules – to be reviewed by three new statutory governance officers (Head of Paid Service, Monitoring Officer, s.151 Officer).
- (d) Contract Procedure Rules – proposed to be reported to July 2024 Council meeting to reflect new procurement legislation.
- (e) Monitoring Officer Protocol – to be reviewed by new Monitoring Officer.
- (f) Anti-Fraud Corruption Strategy and Policy and Anti Fraud Response Plan – to be reviewed by new s.151 Officer as part of wider review.
- (g) Donation and sponsorship acceptance policy – to be reviewed by new Monitoring Officer.
- (h) Joint protocol of external auditors views – to be reviewed by new s.151 Officer.

2.12 The Member Panel on the Constitution were particularly supportive of an early review of the anti-fraud corruption strategy and policy in 2024/25.

## **3. Implications of the Recommendation**

3.1 Financial implications

3.1.1 There are no financial implications directly resulting from the recommendations of this report.

## 3.2 Legal implications

3.2.1 The Council is required to prepare and keep up to date a constitution under the Local Government Act 2000.

3.2.2 Whilst the Localism Act 2011 requires local authorities to adopt a code of conduct for its members and sets out the standards regime which applies to breaches of this code, there is no legislative equivalent for maintaining standards at officer level. This is partly due to the employment relationship between an individual council and its employees and the fact that employment relations law would apply to this relationship.

3.2.3 In practice virtually all, if not all, local authorities maintain a code of conduct for their employees or officers governing the standards and behaviour and enforcement of this will be incorporated into employment contracts or other contracting arrangements depending on the employment status of the individual officer.

3.2.4 The Council has a best value duty under the Local Government Act 1999 and this includes making arrangements to secure continuous improvement in the way in which its functions are exercised. The draft best value guidance states that authorities should be transparent in their AGS about how they are delivering improvements over time against any recommendations, including those made by external parties. A characteristic of a well-functioning authority is one whose AGS is prepared in accordance with the CIPFA / SOLACE Good Governance Framework, is the culmination of a meaningful review designed to stress test both the governance framework and the health of the control environment.

## 3.3 Risk management implications

3.3.1 The draft Code of Conduct for Officers helps officers understand the standards of behaviour expected of them and gives them a framework to raise concerns about the behaviour of others. This mitigates the risk of the Council not ensuring compliance with the requirements of public servants as set out in the Seven Principles of Public Life.

## 3.4 Environmental implications

3.4.1 There are no identified environmental implications.

## 3.5 Equality implications

3.5.1 Explicit reference is made to the need to comply with the Equality Act 2010 and reference is also made to diversity and equality matters within the draft Code. This includes reference to different standards of dress depending on gender, religion or cultural background and right for officers to request adjustments to protected clothing.

3.5.2 The draft Code of Conduct for Officers seeks to strike a balance between an individual's right to freedom of expression and the Council's right to set standards of behaviour and to protect its reputation.

3.5.3 Staff networks representing staff with specific protected characteristics were consulted on the draft Code.

## 4. Background Papers

None