

REPORT OF THE CHAIRMAN OF GOVERNANCE AND ETHICS COMMITTEE

REVISED OFFICER CODE OF CONDUCT AND PROCEDURE FOR OFFICER REPORTING OF INTERESTS, GIFTS AND HOSPITALITY

Purpose of the Report

1. To update Council on the work to update the Officer Code of Conduct and Section D35 of the Personnel Handbook in relation to officer interests, gifts and hospitality, and the introduction of a new Council wide form for staff to report any interests they have or gifts and/or hospitality they are offered.
2. A report was taken to Governance and Ethics Committee on 30 November 2022 to note the amended Officer Code of Conduct and online form procedure for staff to declare any interests, gifts and/or hospitality, and to recommend to Full Council the amended Officer Code of Conduct and the amendment of Section Eleven of the Constitution. The revised Officer Code of Conduct is being brought to Council for adoption alongside the new Member Code of Conduct for Councillors and Co-opted Members.
3. The recommendation is for Council to adopt the amended Officer Code of Conduct (Section D35 of the Personnel Handbook) as set out in **Appendix 1** and the subsequent amendment of Part One, Section Eleven of the Constitution to reflect those changes.

Information

4. In 2019 Internal Audit evaluated the Council's ethical framework. The objective of the Council's ethical framework is to ensure that appropriate policies, procedures and processes are in place to provide robust governance, transparency and ethical values within the organisation.
5. Internal Audit's findings were that controls were effective in the Ethical Framework and Ethical Principles.
6. However, some risks were identified, and recommendations were made to address these. Work on the recommendations has been ongoing since the Internal Audit findings but finalising and developing a recording system and the revision of the Officer Code of Conduct has been slower and drawn out due to work pressures due to covid, and the work undertaken at pace to bring in the new executive arrangements from May 2022.

7. Colleagues across departments have been involved in the actions and work needed to address the recommendations made.
8. The following table sets out the audit recommendations and actions taken:

Risk	Recommendation	Action/implementation
The Gifts and Hospitality Registers for staff are not maintained in accordance with the Policy and not all staff are consulting their Service Director concerning the acceptance of gifts or hospitality	There should be effective provision for all staff to record gifts and hospitality Staff should be reminded of the requirements of the policy	An Officer Interests, Gifts and Hospitality Form has been developed internally on the Council's Firmstep platform To be part of the annual EPDR discussion (or through an annual reminder process)
Declarations of staff interests are not consistently made or recorded throughout the organisation. In some cases, safeguards against such interests are not put into place	A standard template should be devised to ensure the nature of the interest and action taken to address this can be recorded and monitored. This template should be accessible to all staff electronically. All directors, managers and staff should be reminded of the requirements to notify interests. Where notifications have been made, appropriate safeguards should be put into place where necessary and recorded and monitored to prevent inappropriate involvement in these matters.	An Officer Interests, Gifts and Hospitality Form has been developed internally on the Council's Firmstep platform Staff will be informed of the process through a news article on the Intranet (annual reminder) To be part of the annual EPDR discussion (or through an annual reminder process) Discussions will take place with the line manager and appropriate safeguards will be put in place and recorded on the form
The Officers' Code of Conduct has not been updated since 2012	The Employees' Code of Conduct should be refreshed to take account of changes in legislation, policies and procedure	Employees' Code of Conduct has been refreshed

Gifts and Hospitality Register for Staff

9. The Officer Interests, Gifts and Hospitality Form is an online form that all staff across all departments will use to register any interests they have, and any gifts and/or hospitality they are offered. Once the form is completed by the staff member the response is sent to their Line Manager so that a discussion can be had regarding the responses and whether any/what suitable actions or safeguards need to be put in place as a result. A record of the disclosures and Line Manager discussion is retained on the staff member's HR record. It is intended that temporary staff and consultants will also need to complete the form where they have interests or are offered gifts/hospitality that is relevant to the role they are carrying out with or for the Council.
10. For any officers that do not have access to the online form, the need to consider whether they have any interests or have been offered any gifts or hospitality that they need to declare will be discussed with their Line Manager. This can initially be done as part of 1-1 supervisions and then annually as part of a reminder process.
11. Communications will be sent out to staff on the Intranet regarding the launch of the form and the requirement for all staff to complete it and declare any interests they have or gifts and/or hospitality they may be offered. A reminder of the requirement to consider and declare any interests, gifts and/or hospitality will be rolled out in 12 months following the initial communications. This will either sit as part of the annual EPDR or 1-1's.

Updated Officers Code of Conduct

12. The changes to the process for staff to declare any interests, gifts or hospitality has meant a review of the Officer Code of Conduct, included in Section Eleven of the Constitution and Section D35 of the Personnel Handbook. Changes have also been made to reflect changes in legislation, and updated wording and references as required. A copy of the revised Officer Code of Conduct is attached at **Appendix 1**.
13. The key changes/amendments made to D35 of the Personnel Handbook and the Officer Code of Conduct are briefly:
 - a. Updated reference to The Nottinghamshire Plan;
 - b. Clarity that discussions and guidance for staff will be through their Line Manager;
 - c. Examples of what a personal interest may be;
 - d. The increase on the gift amount from £25 to £50 (match the value of gifts to Members);
 - e. Advice on legacies;
 - f. Updated wording on equality legislation and health and safety;
 - g. Updated reference to the UK GDPR and data protection legislation; and
 - h. That any interests, gifts or hospitality are to be reported on the online form.

Other Options Considered

14. None, as the review and changes were required to address the recommendations from the Internal Audit report.

Reason/s for Recommendation/s

15. To address the recommendations made by Internal Audit and to recommend to Full Council the revised Officer Code of Conduct and new reporting procedure so that the Constitution can be amended and updated accordingly.

Statutory and Policy Implications

16. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

17. There are no financial implications for the Council arising from this report.

Data Protection and Information Governance

18. Information declared in the Interests, Gifts and Hospitality form will be recorded on staff members HR records in accordance with the existing procedures for the holding and retention of staff records.

Human Resources Implications

19. The revised Officer Code of Conduct and the form have been developed with the Group Manager HR.

20. Consultation with the Trade Unions has taken place. No comments have been received following consultation.

RECOMMENDATION/S

- 1) That Council adopts the amended Officer Code of Conduct (D35 Personnel Handbook) and approves the subsequent amendment of Section Eleven of the Constitution

Councillor Philip Owen
Chairman of Governance and Ethics Committee

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Constitutional Comments (HD 12/04/2023)

21. Council has the authority to make amendments to the Constitution of which the Officer Code of Conduct forms a part.

Financial Comments (SES 14/04/2023)

22. There are no specific financial implications arising directly from this report.

HR Comments (HG 20/04/2023) The recommendations support staff and managers in being able to comply with our code of conduct in respect of gifts and hospitality. The guidance is clear, and support will be given to managers to cascade the changes and expectations so that staff are clear on the requirements.

24. The original decision was to have an annual reminder as part of the EPDR. The EPDR is currently under review and if the decision is not to put it in here at the point of the 12 month reminder (2024) then another suitable method will be devised to ensure we remind staff and managers can support the capturing of relevant information.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Report to Governance and Ethics Committee 30 November 2022 (published)

Electoral Division(s) and Member(s) Affected

- All

