

30 November 2022

Agenda Item: 10

**REPORT OF MARJORIE TOWARD, SERVICE DIRECTOR – CUSTOMERS,
GOVERNANCE AND EMPLOYEES**

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

Purpose of the Report

1. To update Committee on the work to update the Officer Code of Conduct and Section D35 of the Personnel Handbook 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. For Committee to recommend to Full Council the amended Officer Code of Conduct and Section D35 of the Personnel Handbook, as this is Part 1 of Section Eleven of the Constitution.

Information

3. 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.
4. Internal Audit's findings were that controls were effective in the Ethical Framework and Ethical Principles.
5. 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.
6. Colleagues across departments have been involved in the actions and work needed to address the recommendations made. The previous Group Manager for HR has been involved in developing the process and refreshing the Officer Code of Conduct.
7. The following table sets out the 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
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 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

8. 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.

9. 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 as part of the annual EPDR process and a declaration completed.
10. 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 also become part of the annual EPDR review.

Updated Officers Code of Conduct

11. The changes to the process for staff to declare any interests, gifts or hospitality has meant a review of the Officer Code of Conduct, 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 the Appendix.
12. 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

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

Reason/s for Recommendation/s

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

Statutory and Policy Implications

15. 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

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

Data Protection and Information Governance

17. 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

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

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

RECOMMENDATION/S

- 1) That Committee notes the amended Officer Code of Conduct and online form procedure for staff to declare any interests, gifts and/or hospitality.
- 2) That Committee recommends to Full Council the amended Officer Code of Conduct and the amendment of Section Eleven of the Constitution

MARJORIE TOWARD, Service Director – Customers, Governance and Employees

For any enquiries about this report please contact: Catherine Haywood, Senior Solicitor, Tel: 0115 977 2915, email: catherine.haywood@nottsc.gov.uk

Constitutional Comments (EP 14/11/2022)

20. The recommendations fall within the remit of the Governance and Ethics Committee by virtue of its terms of reference.

Financial Comments (KRP 14/11/2022)

21. There are no financial implications arising from the contents of the report.

HR Comments (HG 15/11/2022) HR will support the roll out of this action by implementing a reminder as part of the EDPR. Recommend that there are other means of proactively cascading the information through line managers following the intranet article and ahead of annual EDPR cycle.

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.

- None

Electoral Division(s) and Member(s) Affected

- All

