

**THE LOCAL GOVERNMENT STAFF COMMISSION
FOR NORTHERN IRELAND**



**CODE OF CONDUCT
FOR STAFF COMMISSION MEMBERS**

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CODE OF CONDUCT FOR STAFF COMMISSION MEMBERS

CONTENTS

i.	STATUS OF THE CODE	1
ii.	STRUCTURE OF THE CODE	1
	GENERAL PRINCIPLES AND STANDARDS	2
1.0	RESPONSIBILITIES OF INDIVIDUAL COMMISSION MEMBERS	2
2.0	KEY PRINCIPLES OF PUBLIC LIFE	2
3.0	GENERAL CONDUCT	3
	Use of Public Funds	4
	Allowances	4
	Gifts and Hospitality	5
	Use of Official Resources	5
	Use of Official Information	5
	Political Activity	6
	Employment and Appointments	6
4.0	MEMBERS INTERESTS	6
5.0	ROLE OF THE CHAIRPERSON	9
6.0	RESPONSIBILITIES AS A COMMISSION MEMBER	10
7.0	RESPONSIBILITIES TOWARDS EMPLOYEES	10
8.0	PERSONAL LIABILITIES OF COMMISSION MEMBERS	11
9.0	OPENNESS AND RESPONSIVENESS	11
10.0	OTHER MATTERS	12
11.0	REVIEW OF THE CODE	12

CODE OF CONDUCT FOR STAFF COMMISSION MEMBERS

i. STATUS OF THE CODE

The Commission, as an Executive Non-Departmental Public Body, is required by Central Government to have in place a Code of Conduct for Members. This document sets out the provisions of the Code applicable to members. A separate document exists for officers of the Commission in line with all local government employees.

ii. STRUCTURE OF THE CODE

This Code has been produced to reflect the Department of Finance and Personnel's (DFP) Code of Conduct for Board Members of Public Bodies (updated in April 2014). However, it is structured to take account of the particular circumstances of the Commission and to interface with the Commission's existing Management Statement.

Consequently the main body of the Code is entitled General Principles and Standards. The Commission's Management Statement, which sets out the nature of the roles, relationships, accountabilities and arrangements in the environment in which the Commission operates, should be read in conjunction with, and is, complimentary to this Code.

This document may be accessed via the Commission's website

<http://www.lgsc.org.uk/about-us/commission-members/>

GENERAL PRINCIPLES AND STANDARDS

1.0 RESPONSIBILITIES OF INDIVIDUAL COMMISSION MEMBERS

- 1.1 The principles and standards in this section of the Code apply to all members of the Local Government Staff Commission for Northern Ireland (the Commission).
- 1.2 Commission members must comply at all times with this Code of Conduct (or any agreed modification of it) and with rules relating to the use of public funds and must act in good faith and in the best interests of the Commission. They should not use information gained in the course of their public service for personal gain nor seek to use the opportunity of public service to promote their private interests.
- 1.3 All Commission members should ensure that they comply with any rules on the acceptance of gifts and hospitality that may be issued by the Commission from time to time.

2.0 KEY PRINCIPLES OF PUBLIC LIFE

- 2.1 Through Commission membership, all members have a wider responsibility within the Public Service. Like others who serve the public, they should follow the Key Principles of Public Life¹. These are:

SELFLESSNESS You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefit for yourself, your family or your friends.

INTEGRITY You should not place yourself under any financial or other obligation to outside individuals or organisations that might, or be perceived to, influence you in the performance of your official duties.

OBJECTIVITY In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

¹ Standards in Public Life: First Report of the Committee on Standards in Public Life. Volume 1: Report

ACCOUNTABILITY You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

OPENNESS You should be as open as possible about the decisions and actions that you take. You should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP You should promote and support these principles by leadership and example.

2.2 These principles should inform your actions and decisions as a Commission member.

3.0 GENERAL CONDUCT

3.1 Commission members have a corporate responsibility for ensuring that the Commission fulfils the aims and objectives approved by the Minister of the Environment, and for promoting the efficient, economic and effective use of staff and other resources by the Commission.

3.2 To this end, and in pursuit of its wider corporate responsibilities, the Commission and its members shall:

- establish the overall strategic direction of the Commission within the policy and resources framework available;
- constructively challenge the Commission's senior management team in their planning, target setting and delivery of performance;
- ensure that the Department of the Environment (DOE) is kept informed of any changes which are likely to impact on the strategic direction of the Commission and determine the steps needed to deal with such changes;

- ensure that any statutory or administrative requirements for the use of public funds are complied with; that the Commission operates within the limits of its statutory authority and any delegated authority agreed with the Department, and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, the Commission takes into account all relevant guidance issued by the DFP and the DOE;
- ensure that the Commission receives and reviews regular financial information concerning the management of the Commission; is informed in a timely manner of any concerns about the activities of the Commission; and provides positive assurance to the Department that appropriate action has been taken on such concerns;
- demonstrate high standards of corporate governance at all times, including using the independent Audit Committee to help the Commission to address the key financial and other risks facing the body; and
- where applicable, appoint a Chief Executive to the Commission and, in consultation with the Department, set performance objectives and remuneration terms linked to those objectives for the Chief Executive, which give due weight to the proper management and use of public monies.

Use of Public Funds

- 3.3 Members have a duty to ensure the safeguarding of public funds² and the proper custody of assets which have been publicly funded.
- 3.4 Members must carry out their fiduciary obligations responsibly – that is, take appropriate measures to ensure that the Commission uses resources efficiently, economically and effectively, avoiding waste and extravagance. It will always be an improper use of public funds for public bodies to employ consultants or other companies to lobby the Assembly, Ministers or political parties.

Allowances

- 3.5 Members must comply with the rules set by the Commission regarding remuneration, allowances and expenses. Payment and taxation of these should be in line with relevant HM Revenue and Customs and DFP guidance. Ultimately, however it is member's responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

² This should be taken to include all forms of receipts from fees, charges and other sources.

Gifts and Hospitality

- 3.6 Members must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgment or integrity or place you under an improper obligation.
- 3.7 Members must never canvass or seek gifts or hospitality.
- 3.8 Members must comply with the rules set by the Commission on the acceptance of gifts and hospitality which are in line with current DFP guidance³. Members should inform the Chair and Chief Executive of any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the rules set by the body.
- 3.9 Members are responsible for their decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the public body into disrepute.

Use of Official Resources

- 3.10 Members must not misuse official resources⁴ for personal gain or for political purposes. Use of such resources must be in line with the Commission's rules on their usage.

Use of Official Information

- 3.11 Members must not misuse information gained in the course of your public service for personal gain or for political purpose⁵
- 3.12 Members must not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after members have left the Commission.

³ "Acceptance & Provision of Gifts and Hospitality" September 2009

⁴ This includes facilities, equipment, stationery, telephony and other services.

⁵ Commission members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation.

Political Activity⁶

- 3.13 In your public role, members should be, and be seen to be, politically impartial. Members should not occupy a paid party political post or hold a particularly sensitive or high-profile role in a political party.
- 3.14 On matters directly related to the work of the Commission, members should not make political statements or engage in any other political activity.
- 3.15 In your official capacity, members should be even-handed in all dealings with political parties.
- 3.16 Subject to the above, members may engage in political activity but should, at all times, remain conscious of your responsibilities as a Commission Member and exercise proper discretion. Members should inform the Chair and the DOE before undertaking any significant political activity.

Employment and Appointments

- 3.17 If members wish to take up new employment or appointments during your term of office, they must inform the Chair and the DOE. Formal consideration will be given to whether such additional appointments are appropriate given their current appointment to the Commission.
- 3.18 On leaving office, members must comply with the rules of the Commission on the acceptance of future employment or appointments.

4.0 MEMBERS INTERESTS

- 4.1 Members must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests – financial or otherwise. Members should note that the appearance of a conflict of interest, in terms of public perception, can be every bit as damaging as an actual conflict - both should be avoided.

⁶ If you are an MP, Member of the House of Lords, Member of the NI Assembly or other devolved administration or Local Councillor, you are exempt from these requirements - although you should still exercise proper discretion on matters directly related to the work of the body and recognise that certain political activities may be incompatible with your role as a board member.

4.2 Members must comply with the rules of the Commission on handling conflicts of interests. As a minimum these will require members to declare publicly any private interests which may, or may be perceived to, conflict with their public duties⁷

Interests which may need to be declared can include:

- Remuneration from employment, self-employment, directorships, other public appointments etc;
- Related undertakings i.e. members must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary or parent of a company (or other undertaking) in which they hold a remunerated directorship;
- Contracts with the public body;
- Houses, land and buildings that they own or have an interest in, which are of significance or relevance to, or bear upon the work and operation of the Commission;
- Shares and securities – holdings in a company or organisation which are of significance to or relevance to, or bear upon the work and operation of the Commission.
- Relevant non-financial interests including membership or holding office in other public bodies, clubs, societies and organisations such as Trade Unions and voluntary organisations.
- Cases in which close family members or persons living in the same household (including personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these) as the Board Member may have an interest.

4.3 If members are in any doubt as to what should or should not be registered/ declared they should discuss this with the Chair and/or the Chief Executive.

⁷ In general, all financial interests should be declared. When considering what non-financial interests should be declared, you should ask yourself whether a member of the public, acting reasonably, would consider that the interest in question might influence your words, actions or decisions.

- 4.4. The rules also require members to remove themselves from the discussion or determination of matters in which they have a financial interest. In matters in which members have a non-financial interest, they should not participate in the discussion or determination of a matter where the interest might suggest a danger of bias.
- 4.5 In certain situations, handling a conflict of interest properly may require much more than simply leaving a Commission meeting while the matter is being discussed or voted upon. For example, members who have a conflict of interest should:
- not get involved in the setting of criteria for the assessment of the grant, tender etc;
 - not get involved in the actual preparation of the grant, tender (or subsequent presentations, interviews etc) if at all possible;
 - not receive any relevant papers in advance of the meeting;
 - not be present for the discussion or voting or receive any minutes relating to that part of the meeting; and
 - not use their position as a Commission Member to try and improperly influence a decision by lobbying any other Commission Member(s) or by contacting another Commission Member to represent their interests at the meeting.
- 4.6 It is extremely important that there should be a level playing field with no advantage (real or perceived) given to Commission Members or to individuals or organisations with Commission connections or representation.
- 4.7 It is the member's responsibility to ensure that they are familiar with the Commission's rules on handling conflicts of interests, that they comply with these rules and that their entry in the Commission's register of Members' interests is accurate and up-to-date.

No Code can provide for all circumstances and if members are uncertain about how any aspect of the Code of Conduct applies, they should seek advice from the Chair and/or the Chief Executive of the Commission who, in turn, may seek advice from the Department of the Environment.

5.0 ROLE OF THE CHAIRPERSON

5.1 The Chairperson has particular leadership responsibility for:

- formulating, with members, the Commission's strategy;
- promoting the efficient, economic and effective use of staff and other resources;
- ensuring that, in reaching decisions, the members of the Commission take proper account of guidance provided by the Minister or relevant Department;
- encouraging high standards of propriety;
- representing the views of the members of the Commission to the general public.
- advising the DOE of the needs of the Commission when member vacancies arise, with a view to ensuring a proper balance of professional and financial expertise.
- assessing the performance of individual members of the Commission when they are being considered for re-appointment to the Commission.
- ensuring that, when taking up office, all members of the Commission, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities, and receive appropriate induction training, including the financial management and reporting requirements of public sector bodies and any differences which may exist between private and public sector practice.
- ensuring that the Commission meets at regular intervals throughout the year and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of individual Commission members.

6.0 RESPONSIBILITIES AS A COMMISSION MEMBER

- 6.1 You should play a full and active role in the work of the Commission. You should fulfil your duties and responsibilities responsibly and, at all times, act in good faith and in the best interests of the Commission.
- 6.2 You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.
- 6.3 You must comply with any statutory or administrative requirements relating to your post.
- 6.4 You should respect the principle of collective decision-making and corporate responsibility. This means that, once the Commission has made a decision, you should support that decision.
- 6.5 You must not use, or attempt to use, the opportunity of public service to promote your personal interests or those of any connected person, firm, business or other organisation.

7.0 RESPONSIBILITIES TOWARDS EMPLOYEES

- 7.1 You will treat any staff employed by the Commission with courtesy and respect. It is expected that employees will show you the same consideration in return.
- 7.2 You will not ask or encourage employees to act in any way which would conflict with their own Code of Conduct.

8.0 PERSONAL LIABILITIES OF COMMISSION MEMBERS

- 8.1 Although any legal proceedings initiated by a third party are likely to be brought against the Commission, in exceptional cases, proceedings (civil or, in certain cases, criminal) may be brought against the Chairperson or other individual members. For example a Commission member may be personally liable if he or she makes a fraudulent or negligent statement which results in loss to a third party.
- 8.2 A Commission member who misuses information gained by virtue of his or her position may be liable for breach of confidence under common law. Commission members who need further advice on this matter are entitled to have access, through the Chief Executive, to the Commission's legal advisers.
- 8.3 However, the Government has indicated that individual members of boards etc who have acted honestly, in good faith and intra vires will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their board functions.

9.0 OPENNESS AND RESPONSIVENESS

- 9.1 The Chairman should ensure that Commission members and officers conduct all dealings with the public in an open and responsible way. The Chief Executive should make provision for access to records of Commission decisions and ensure that the Commission complies with directions issued by the Chief Local Government Auditor regarding access by the public to Commission financial records and accounts.
- 9.2 The Commission should ensure that they can demonstrate the use of all resources to good effect, with propriety, and without grounds for criticism that public funds are being used for private, partisan or any political party purposes.
- 9.3 As information handled by the Commission is often within the remit of various employment legislation, it should be handled with confidentiality and propriety in mind. Should such information be necessary for a complainant to pursue a grievance, it should be released to the complainant on the advice of the Chief Executive or the Commission's legal advisors or it may be obtained under the Freedom of Information Act 2000, as appropriate.

10.0 OTHER MATTERS

10.1 The Commission's Management Statement sets out other provisions relevant to the conduct of Commission business. The Statement includes such provisions as:

- The Relationship with the Sponsor Department;
- The Role of the Chief Executive and Delegation;
- Planning, Budgeting and Control;
- External Accountability;
- Staff Management

10.2 These provisions apply to the conduct of Commission business on an ongoing basis and are binding on Commission members, the Chairman of the Commission and the Chief Executive of the Commission.

11.0 REVIEW OF THE CODE

11.1 The Code will be kept under review as appropriate by the Commission.

11.2 The Code will also be kept updated in line with any guidance issued by the Department of the Environment for Northern Ireland as deemed appropriate by them to the role and functions of the Local Government Staff Commission for Northern Ireland.