

Public Document Pack

Ethics Committee

To: Councillor Jerry Fitzpatrick (Chair)
Councillor Pat Clouder (Vice-Chair)
Councillors Mario Creatura, Clive Fraser, Joy Prince, Helen Redfern, Axcell,
Gordon, Ashok Kumar, Malarkey and Anne Smith

A meeting of the **Ethics Committee** will be held on **Wednesday, 9 February 2022**
6.30 pm in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

John Jones, Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

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AGENDA

Item No.	Item Title	Report Page nos.
1.	Apologies for Absence To receive any apologies for absence from any Members of the Committee.	
2.	Disclosure of Interests In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services	

representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

3. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

4. Officers Code of Conduct

5 - 46

The Committee is asked to note the revised Officer Code of Conduct.

5. Dispensation Applications for Members

47 - 54

To receive the report of the Executive Director of Resources & Monitoring Officer on Members' dispensations for consideration, if any are received.

6. Protocol on Staff/Councillor Relations

55 - 80

A review of the protocol to assist both Members and Officers to have an appropriate understanding of their respective roles and support implementation of the Croydon Renewal Improvement Plan.

7. Member Learning and Development Induction Programme

81 - 94

The draft Member and Learning Development Induction Programme for the Committee's consideration.

8. Work Programme

95 - 96

To consider the draft Committee work programme for the first meeting of the next Municipal year.

9. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

10. Minutes of the Previous Meeting

11. Dispensation Applications for Members

To receive the report of the Executive Director of Resources & Monitoring Officer on Members' dispensations for consideration, if any are received.

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REPORT TO:	ETHICS COMMITTEE 9 February 2022
SUBJECT:	Members' Code of Conduct
LEAD OFFICER:	Elaine Jackson, Assistant Chief Executive
WARDS:	All
CORPORATE PRIORITIES 2021-24: A review of the member and officer codes of conduct to fully embed the Nolan Principles in all work is one of the strands of the Croydon Renewal Improvement Plan.	

FINANCIAL IMPACT

Implementation of the recommendations within this report shall be contained within existing budgets.

RECOMMENDATION

Ethics Committee is recommended to:

1. Note the revised Officer Code of Conduct (Appendix 1).

1. EXECUTIVE SUMMARY

- 1.1 Ethics Committee agreed to recommend to Full Council the adoption of a new Member Code of Conduct. The new Member Code of Conduct was brought to Ethics Committee on 30 November 2021. The Council's Officer Code of Conduct was to accompany the new Member Code to Ethics Committee in November. However, the Officer Code of Conduct was missed from the agenda in error and therefore it was agreed to bring the Officer Code to Ethics Committee in February 2022.
- 1.2 The Officer Code of Conduct has been reviewed and revised to ensure consistency with standards required of Members under the new Code. The revised Officer Code of Conduct was launched on 17 January 2022 and is now live on the Council's intranet pages under the Staff Handbook.

2. BACKGROUND

- 2.1 The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics, promoting high standards of Member conduct and considering matters relating to the Members' Code of Conduct.

2.2 Ethics Committee agreed to recommend to Full Council the adoption of a new Member Code of Conduct.

2.3 The Committee also asked to see the revised Officer Code of Conduct.

3. THE OFFICER CODE OF CONDUCT

3.1 The Officer Code of Conduct was previously fully reviewed and updated in January 2019, although there have been several minor updates since then.

3.2 In parallel with consideration of revisions to the Member Code of Conduct, the opportunity was taken to ensure that the Officer Code of Conduct is consistent with standards required of Members under the new Code. This includes requirements for declaring interests, gifts and hospitality. The revised Officer Code of Conduct appears at Appendix A.

3.3 The revised Officer Code of Conduct was launched on 17 January 2022. As part of the launch the Code of Conduct E-learning and associated links on the intranet have also been updated. This includes links to the information page on declaration of interests, and gifts and hospitality. The launch was communicated in Council wide comms and on the intranet front page.

3.4 The Code of Conduct e-learning is part of the Council's mandatory training suite. All staff are required to complete the e-learning on an annual basis. New starters undertake the e-learning as part of their induction process and complete a declaration of interest form upon joining the Council. The requirement for all staff to undertake the e-learning annually will prompt staff of the need to make a positive declaration where there is a requirement to do so under the Code of Conduct. This is also in relation to gifts and hospitality.

3.5 Staff in tiers 1 – 3 (Head of Service and above) are required to make an annual declaration. The mandatory annual e-learning and contact from the Governance team will prompt this. All declarations are returned to the governance inbox. There is a requirement for managers to sign the declaration form, whether the declaration is negative or positive. Where the declaration is positive the Director/Corporate Director/ Chief Executive is required to approve the declaration. Prior to any approval they will discuss the conflict of interest/potential conflict of interest with the individual making the declaration and confirm that the risks or implications for the Council have been identified and actions have been taken (or will be taken) to avoid a breach of the Code of Conduct. Positive declaration forms will be held on staff files.

3.6 The Code of Conduct is also referenced in the Council's core appraisal objectives for employees: 'To promote equalities and inclusion in everything we do, champion the Council's behaviours as described in the Code of Conduct and report any unfair, offensive or discriminatory behaviour'.

3.7 Breaches of the code may be treated as a disciplinary offence under the Council's Disciplinary Procedure, and may lead to disciplinary action which could result in dismissal. In some cases a breach of the code may result in

criminal prosecution. Where breaches relate to agency staff these will be referred to the applicable employing agency.

4. CONSULTATION

- 4.1 The revised Officer Code of Conduct was presented to and agreed by the Trade Unions (CSC) on 6 September 2021. Following further minor updates to the Code since this time, the Code was further circulated to the trade unions for their final comments, following being presented to CMT on 16 November 2021.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 There are no direct financial implications arising from this report.

Approved by: Matt Davis, Interim Deputy s151 Officer

6. LEGAL CONSIDERATIONS

- 6.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government which is ensured by both a complex legal framework of regulation together with an Officer Code of Conduct.

The Council maintains formal rules of procedure, (found in the Council's Constitution) such as contract procedure rules and financial procedure rules, which staff must follow. The Seven Principles of Public Life (also known as the 'Nolan Principles') outline the ethical standards those working in the public sector are expected to adhere to and are included in a range of codes of conduct across public life. The Equality Act 2010 imposes positive duties on local authorities to promote equalities and eliminate unlawful discrimination and harassment and under the Equality Act 2010, the Council may be liable for any discriminatory conduct that employees commit.

Separately the Local Government and Housing Act 1989 contains provisions designed to prevent staff from being politically partial introducing the concept of 'politically restricted' posts.

In addition, statutory provision deals with the disqualification of officers and officer' disclosure of interests in contracts. In particular, the Local Government Act 1972 section 117 contains an obligation upon staff to provide notice of both direct and indirect interests in contracts. Furthermore an officer is forbidden from receiving any fee or reward because of his or her position under this section (other than proper remuneration). Failure to adhere to these requirements can be enforced by criminal sanction.

The courts have also shown a renewed interest in the control of public servants through their development of the tort of misfeasance in public office and the crime of misconduct in public office.

The Local Government Act 2000 enables the Secretary of State to issue by Order a statutory code of conduct for local authority staff and the terms and conditions

of employment of local authority staff would be deemed to incorporate this code. The intention was that the statutory officer code would be a brief statement of core values and obligations to underpin local codes of conduct for staff. However, whilst such codes exist in Scotland and Wales and despite government consultation on the promulgation of such a code in England no such code has to date been issued. Most English authorities have, however, continued with a voluntary code to bring together the existing laws, regulation and conditions of service which regulate staff conduct and to ensure the Council operates within its legal framework. The Officer Code of Conduct also sets out how employees should respond to issues that may arise during their employment in order to comply with those legal obligations and seeks to protect employees from accusations of bias, undue influence and impropriety, to maintain the integrity of local government.

There has been no legal consideration of the revisions to the Officer Code of Conduct attached, as it has already been agreed by the Trade Unions and the Director of HR.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law

7. HUMAN RESOURCES IMPACT

- 7.1 The are no immediate HR implications arising from this report of Council Employees. It is essential that all staff participate in the annual refresher training and that staff in tiers 1 to 3 (Head of Service and above) sign an annual declaration so the Council can embed and sustain the highest standards of public service

Approved by: Gillian Bevan, Head of HR Resources and Assistant Chief Executives

8. EQUALITIES IMPACT

- 8.1 There are no equalities impacts arising from this report.

Approved by: Denise McCausland, Equalities Manager

9. ENVIRONMENTAL IMPACT

- 9.1 There is no environmental impact arising from this report.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There is no crime and disorder impact arising from this report.

11. DATA PROTECTION IMPLICATIONS

11.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

No. Declarations will be held securely in accordance with GDPR. Positive declarations will be held on individual employee files.

11.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

No, there is no change to the means by which data is stored on individual employee files.

Approved by: Dean Shoesmith, Interim Chief People Officer

12. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

12.1 To inform Ethics Committee of actions being taken to ensure officer compliance with high standards of conduct in line with the Code of Conduct.

CONTACT OFFICER: Gillian Bevan, Head of HR, Resources & Assistant Chief Executives

APPENDICES TO THIS REPORT:

1: Officer Code of Conduct

BACKGROUND PAPERS: None

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CROYDON COUNCIL CODE OF CONDUCT

Introduced: April 1996 (Code of Practice)

Updated: 2000 (Standards of Behaviour)

September 2006 (Acceptable Standard of Appearance)

October 2009 to include reference to employee complaints procedure in guidance on standards of behaviour

January 2019 – fully updated, reviewed and refreshed

March 2019 – re-issued with updates (including social media reference)

Sept 2020 - 'complaint' replaced by 'grievance'

June 2021 - HTML links inserted for Health and Safety and Disciplinary procedures and Information Management; Council constitution link inserted.

November 2021: Nolan Principles added; insertion of code applicability to agency staff and secondees; insertion of links to declaration of interest intranet page; insertion of further examples of bullying and harassment and behavioural expectations

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Appendix A	The Seven Principles of Public Life

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1. General Principles

Croydon Council provides services that have an impact on the lives of those working and living in the borough and handles millions of pounds of public money every year. Our dedicated workforce is our greatest strength and the public trusts us to work for it in a professional, fair, inclusive and honest way.

So it is important that you are clear about what the Council expects from you in terms of how you carry out your work, behave, respect and treat your colleagues and members of the public. The code of conduct sets out these expectations and together with our values it reflects our culture and the sort of organisation that we want to be.

These values are:-

One team: Crossing boundaries to work together towards shared goals with colleagues, partners and communities.

Proud to serve: Striving to always do our best for the community. Getting the most from limited resources and using taxpayer's money wisely.

Honest and open:-Working hard to build trust by treating everyone with honesty and integrity.

Taking responsibility: - Encouraging and supporting each other to take responsibility and show what we can do, learning together and recognising all of our contributions.

Valuing Diversity: - We make the most of the many perspectives that make Croydon distinctive.

It is important that you read, understand and follow the code and doing so will ensure that we are all working to the standards that the public expects and will help make the Council a good place to work.

If you are at all uncertain, you should be guided by the key principle that even if your actions, decisions or behaviour are proper, you need to ensure that you are above suspicion and there is no appearance or perception of improper conduct.

Everyone who works at Croydon Council has a responsibility to our residents and those who use our services. That is why it is so important we ensure that we are "doing the right thing" and adhering to the high standards of governance at the Council. We are accountable to the people who use our services and live within the borough, and so it is vital that we conduct our business with honesty, transparency and accountability.

There are other codes that are important for you to understand and which you should read alongside this one. These include (for example), the council's financial regulations, schemes of delegation, expenses policy, anti-bribery and whistleblowing policies. You can

find details of these documents and other essential regulations here: <https://intranet.croydon.gov.uk/working-croydon/governance/how-we-do-things/governance-how-we-do-things-overview>

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles (Appendix A).

You can also find lots of other useful guidance in the policies listed at the end of the code or on the 'Good Governance - doing the right thing' section of the Intranet. This covers information on your authority to act as an officer of the Council, how the Council governs, how its processes work and the standards you have to consider and adhere to as an employee.

E-learning is available and all employees should undertake this. You can find this learning on the [Croydon Learning](#) website.

2. Who the code of conduct applies to

The code of conduct applies to everyone who is employed directly or works for or on behalf of the London Borough of Croydon. This includes all those employed directly on a permanent, temporary or casual basis and those employed indirectly, including agency staff and consultants. The code also applies to those who are external secondees and office holders. All officers must follow this code. Breaches of the code may be treated as a disciplinary offence and may lead to disciplinary action which could result in dismissal. In some cases a breach of the code may result in criminal prosecution. It should be noted that in the event of pending criminal prosecutions the council reserves the right to investigate and conclude any employment related disciplinary proceedings.

3. Overview and Reporting

The Council expects that you:

- Act in a way which means that residents have confidence in your honesty and integrity.
- Respect your colleagues and the public.
- Treat other people professionally and do not discriminate against them.
- Deliver the best possible and efficient service to customers in accordance with the Council's standards and policies at the time.

This includes:

- How you behave (or are perceived to behave) both inside and outside of work.
- How you use public money and other resources.
- Acting with honesty, impartiality and objectivity.

- Working with the Council's suppliers and contractors in an honest and open way where there is no perception of improper conduct including corruption
- Not allowing personal interests to affect your work.
- Ensuring that you, your family or your friends, must not gain financial or other benefits from the decisions or actions you take whilst working for the Council.
- Always declaring any interests you have outside work that relate to your work for the Council. You must always think how your actions would look to the residents of Croydon.
- Telling us if you are charged, cautioned or convicted of a criminal offence, immediately such criminal charges occur. This may mean you are unsuitable to work for the Council, even if the offence is not connected to your work and could lead to the termination of your employment.

If you are at all uncertain, you should be guided by the key principle that even if your actions, decisions or behaviour are proper, you need to ensure that you are above suspicion and there is no perception or appearance of improper conduct.

If you are unsure what is expected, you should raise the matter with your manager, Corporate Director, the Chief People Officer, or the Head of Internal Audit.

Reporting

It is important to ensure we maintain the public's trust in us and you must tell us about any:

- a) Personal interests which may affect your work or the decisions that you make.
- b) Actual or suspected theft, fraud, bribery or corruption by someone working for the Council, a supplier, councillor or a member of the public.
- c) Loss or improper disclosure of any Council data or information or breach of confidentiality.
- d) Discrimination, bullying, harassment or similar behaviour.
- e) Person misusing their position.
- f) Suspicions that a colleague is under the influence of drugs or alcohol at work.
- g) Suspicions or information that the conduct or behaviour of others is in any way inappropriate in relation to children and vulnerable adults.
- h) Suspected breaches of health and safety codes of practice and policies.

We will take your concern, complaint or grievance seriously and handle it sensitively using the appropriate Council procedure.

You should as soon as reasonably possible raise any concern (where possible initially with your manager), but as a minimum with the Corporate Director, Chief People Officer or Head of Internal Audit.

To make it easier for you to raise your concerns the Council also has a procedure which allows you to raise your concern confidentially and, if necessary, outside your department. This is the **Whistleblowing Policy** and you can find this on the [Intranet](#).

4. Political neutrality

As an officer you work for the Council as a whole and not just the majority group. You must not allow your personal political opinions to interfere with providing balanced professional advice. This must always be done in a politically neutral way and you must be prepared to explain your advice to all political groups. You should bear in mind that you may be called to account for your advice, for example to an overview and scrutiny committee.

You should also refrain from making political comments in public or on social media. Failure to do so could compromise your neutrality and bring the council into disrepute as officers are supposed to not express political views which could result in disciplinary action, including dismissal.

If you are asked by a Councillor to provide assistance on a matter that you feel is clearly political, or which does not have a clear link with the work of the Council, you should seek the advice of your Corporate Director or the Director of Legal Services (the Council's Monitoring Officer).

If you are asked to attend any meetings of any political group of the Council, you should consult your Corporate Director before accepting the invitation.

Political activity

You are not eligible to stand for office as a Councillor of the London Borough of Croydon, but you may stand for office in another Council providing you are not in a politically restricted post (see paragraph below).

Politically restricted posts

Some officers, normally those in more senior positions, are in posts where political activity is restricted through the Local Government and Housing Act 1989. This Act prevents them from taking part in certain political activities outside their work. If this applies, you should have been informed in writing, and it may be included in your contract of employment. You should, if this is the case, have been informed of the rules for claiming exemption. If you are not sure about your position, you should contact your manager or Human Resources. Guidance on which posts can be classified as politically restricted can be found in the [HR Handbook](#), Module 02, Chpt 8.

The political activities which are restricted for these officers include:

- standing as a Member of Parliament, or a Councillor in any local authority (other than a Parish Council)
- holding office in a political party at any level, (except in limited roles concerned only with the internal membership of the party)
- canvassing at elections

- speaking in public or publishing any written or artistic work which appears to be intended to influence public support for a political party.

You need to be aware of your position in terms of political activity. If you are not sure whether an activity is subject to 'political activity restrictions', you should seek advice from your Corporate Director or Human Resources, who will consult the Director of Legal Services (the Council's Monitoring Officer) if necessary.

Violation of the statutory rules is a breach of contract and will render you liable for investigation under the Council's Disciplinary Procedure ([HR Handbook](#), Module 11, and Chpt 2) which could include action be taken up to and including dismissal.

5. Council policies and legal requirements

As a Council officer, you must ensure you are familiar with the legal and/or statutory requirements of your job. You must work within this framework and in such a way as to comply with the Council's policies and procedures at all times.

All members of the local community, service users and officers have the right to be treated fairly and impartially. As a Council officer you must comply with all Council policies relating to equalities and to the other requirements of the law

6. Health and Safety

The Council has a legal duty of care for the health, safety and welfare of its employees. In addition, all employees must take reasonable steps to protect their own health and safety and that of other people who may be affected by their actions, or omissions, at work. Some employees, particularly managers have specific responsibilities, and these are detailed in the Council's corporate and specific departmental health and safety policies and procedures. The Council's corporate health and safety policy and procedures are available on the Intranet (<https://intranet.croydon.gov.uk/working-croydon/health-and-safety/health-and-safety-policies>)

The Council's corporate health and safety policy and procedures and guidance documents provide advice on health and safety including accident reporting, fire safety policy, visual display screens and risk assessments, violence to staff and lone and night working. Some departments have their own codes of practice as which should be available from line management . If you are not sure what the safety procedures are or where to get protective clothing and equipment you must raise this with your manager.

You can also seek further advice and guidance from The Health & Safety team, Human Resources, or your trade union safety representative.

You have a duty to help prevent accidents and injuries at work by being aware of the policies that apply to your work and complying with them at all times:

You must:

- comply with all instructions relating to health and safety and security procedures
- use the protective clothing and equipment that the Council supplies to you
- follow the health and safety codes of practice and policies which are relevant to your work
- comply with hygiene requirements
- at the earliest opportunity, report any hazards, defects, accidents or incidents that you become aware of to your manager or supervisor
- not interfere with, or misuse anything provided for health, safety or welfare
- avoid risk of injury or danger to yourself or others
- leave any Council building as soon as the fire alarm sounds and follow any instructions of the fire wardens and the person managing the incident
- inform the Council of any other work that you do which, when added to your Council working hours, would take your total working hours above 48 hours per week
- inform the Council of any medical condition you have which would be adversely affected by the work that you are employed to do
- not smoke in any Council premises or vehicles and comply with the Council's Smoking Policy.

Managers have some additional responsibilities set out in the corporate and departmental health and safety policies and codes of practice.

These include:

- providing appropriate health and safety induction for all new employees
- carrying out a risk assessment for the activities undertaken by employees and ensuring that the risk assessment outcomes are implemented as appropriate and are suitable and sufficient
- informing employees of the risks associated with the work being undertaken and of the precautions that must be taken in order to prevent or reduce the risk of accidents and/or work-related ill health.

7. Standards of behaviour

We have standards of behaviour which we expect from you. They make the Council a good place to work and ensure that colleagues and customers feel welcomed and valued. This includes complying with the Council's commitment to equality.

We expect all officers who work for, or on behalf of, the council to commit to the following:

- not to bully any person
- not to harass any person
- to promote equalities and not discriminate unlawfully against any person

People working for the Council and our customers are entitled:

- To be treated with dignity, respect, courtesy and fairness.
- Not to be bullied, harassed or victimised.
- Not to experience any form of unlawful discrimination.

We will not tolerate unfair, offensive or unlawful discriminatory behaviour carried out by, or against, any member of staff. It can be regarded as a serious disciplinary offence, which may result in disciplinary action, which could lead to dismissal. In certain circumstances, it could also lead to criminal proceedings.

Discriminatory, unacceptable or offensive behaviour can take many different forms. Remember that your colleagues and our residents may have different standards from you and may be offended or feel harassed by behaviour that you think is acceptable. To help us all understand this, we have produced a more detailed guide, with practical examples (see Appendix B).

If you feel that you have been subject to this sort of behaviour you should first of all discuss this with the other person and your manager and try and resolve it informally. If this is not possible or appropriate, or you are unsatisfied with the response, you should use the Council's employee grievance procedure.

If you experience such behaviour from someone not employed by the Council e.g. a service user, resident or member of the public, you should notify your manager immediately so that the incident can be recorded and appropriate action taken. In line with the council's equality statement; the council does not tolerate harassment, victimisation or unlawful discrimination in service delivery and employment on the grounds of age, disability, gender reassignment, race/ethnicity, religion or belief, sex/gender, sexual orientation, marriage & civil partnership, and pregnancy & maternity

8. Standards of appearance

How you look and dress at work has an impact on how people view the Council. We recognise that:

- Different types of dress (e.g. protective clothing) are needed or appropriate for different types of work.
- Our employees come from a large range of backgrounds, cultures and ages with different styles of dress.
- Sometimes more casual clothing may be appropriate (e.g. for youth workers or on off-site training courses or approved 'dress down' days).

The Council has set out acceptable standards of dress (see Appendix C).

9. Declarations of Interest

There may be occasions when there is scope for conflict between the Council's interests and your own.

It is very important that you do not let your personal interests influence the work that you do or the decisions that you make for the Council – or put yourself in a position that might lead a person to accuse you of doing so. You must not allow your private interests or beliefs to conflict with your professional duty.

Where a matter affects your financial or personal interests or well-being so that a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must disclose the interest.

You must not misuse your official position or information acquired in the course of your employment to further your private and personal interests, or the interests of others. Private and personal interests include those of your family, as well as those arising through membership of, or association with clubs, societies or other organisations and voluntary bodies. It is important for conflicts of interests to be clearly seen with no perceptions of bias or favouritism.

You must tell us about any financial and non-financial interests that could bring you into conflict with the Council's interests. These include any personal interests that could potentially influence your work, even if these seem very small and insignificant. Examples of situations that you must tell us about are set out below; but these should not be viewed as the only circumstances in which you must declare a conflict of interest.

- If you own land and/or a property in the borough where you receive rent from someone on housing benefit or otherwise are or become a landlord within the borough.
- If you have links of any sort (including, but not limited to, as a director, company secretary, trustee, partner, shareholder, owner contractor or employee) with an outside organisation which may work for the Council or supply goods and services to it (or are tendering or preparing to do so), or which may receive or apply for grants or other benefits from the Council, (if you are involved in the grant allocation process or where this could create a conflict of interest).
- You or anyone in your household or a close relative (parents/siblings/children) submit a planning or licensing application in the borough.
- Live near a property where a planning or licensing application has been submitted.
- Receive any services or grants from the Council (except the services that all residents are entitled to like refuse collection or schools).
- Are related or have a close relationship with anyone who:
 - Works at the Council
 - Does work for the Council or supplies goods and services to it
 - Is an elected member
 - Is a client of the Council
 - Is submitting a tender for work for the Council

- Are a member of a group or voluntary organisation which gets funding or a grant from the Council;
- Do work for another organisation in the borough (such as being a school governor or on the board of an NHS organisation) or are nominated/appointed to a position on behalf of the council in another organisation in the borough
- A member of your family or friends are applying for employment with the Council

A conflict of interest may also arise when you have a direct interest in the outcome of a Council decision. If this is the case then in order to protect yourself from any appearance of improper conduct **you should inform your manager immediately** that you are aware of the situation.

If you have any of these interests you must register it by completing a [formal declaration of interest](#), which must be reviewed and signed off by your line manager and director. Once completed this should be submitted to governance@croydon.gov.uk. You should also seek advice via the governance team on ext 65575 if you are not sure if you need to declare an interest, or if you've declared interest(s) changes.

If you are involved with a company or organisation tendering for a Council contract you must inform your Director by completing [a formal declaration](#). It may be a criminal offence if you do not.

Officers in Tiers 1 – 3 (Head of Service and above) are required to complete an annual declaration of interest. However, should a conflict arise at any time you must report it to your manager immediately and declare it in writing as above and not wait until the annual declaration.

Line managers should contact the governance team (governance@croydon.gov.uk or ext 65575) for guidance if a member of staff notifies them of a potential conflict of interest.

See [Declarations of Interest Guidance](#) on the intranet for more information

10. Tendering / dealing with contractors

Orders and contracts must be awarded on merit by fair competition against other tenders and in accordance with the Council's Standing Orders (www.croydon.gov.uk/constitution), Financial Regulations and Procedures and Tenders and Contracts Regulations. You must not show favouritism to any contractor. You must also make sure that no special favour is shown to current or recent former employers, officers or their partners, close relatives or associates in awarding contracts.

If you are involved in the tendering process and deal with contractors, you must be clear about the need for the separation of client and contractor roles. You must also make sure that if you are privy to confidential information on tenders or costs for either internal or

external contractors, you do not disclose such information to any unauthorised party or organisation.

If, as part of your job, you are involved with or supervise contractors, and you have any kind of personal or other relationship with a contractor or potential contractor, the law states that you must disclose this relationship to the Council as your employer. Any such relationships should be disclosed to your manager by submitting a declaration of interest.

11. Gifts, hospitality and legacies

Gifts

From time to time, you may be offered gifts or hospitality by a customer, client or service user. We have clear rules on this so that you are not open to allegations of bribery, or placed in a difficult position.

Generally gifts and offers of hospitality should be politely refused. Sometimes, exceptions may be made for very small items such as pens or diaries. These principles also apply to your personal life, if the offer is made to you in connection with you being an employee of the Council.

You must avoid putting yourself in a position where you can be thought to be acting improperly and must not ask for any gift or tip

If you are offered a gift, you must report it to your manager (whether the gift is accepted or declined), so that the gift can be recorded in the departmental hospitality register <https://intranet.croydon.gov.uk/working-croydon/governance/being-employee/accepting-gifts-and-hospitality>.

Gifts that are not acceptable must be declined or returned.

Hospitality

When considering offers of hospitality you should consider whether:

- the invitation comes from an organisation likely to benefit from the Council
- the organisation is seeking a contract with the Council, or already has a contract with the Council
- the hospitality is part of a conference, seminar etc. or is more of a social function
- the scale and location of the hospitality is proportionate to the event
- the event takes place outside normal working hours
- it is being offered on a frequent basis
- it is being offered just to you or to others as well.

You should not accept any offers of entertainment (such as tickets to sports events or the theatre, or hotel accommodation) without the Chief Executive's permission and you should actively seek to avoid getting into a position where such offers are made to you.

If you are offered any hospitality, entertainment or favours you must report it to your manager and record it in your department's Gifts & Hospitality register, whether it is accepted or not.

You may accept reasonable hospitality, such as tea, coffee and light refreshments when you are for example visiting another organisation, or a resident's home or are on a training course.

Some employees will be required to make an annual declaration of interest. These groups of staff are listed on the intranet: <https://intranet.croydon.gov.uk/working-croydon/governance/being-employee/declarations-interest>. The governance team will normally contact these staff on an annual basis. Please note that this instance of declaration of interest is in addition to, and not instead of, your duty to report any individual matter immediately.

If you are in any doubt please see the Council's [gifts and hospitality policy](#) on the intranet or take advice from your Head of Service, or governance@croydon.gov.uk.

Legacies

On occasions, members of the public or service users may wish to express their appreciation of the services they have received from a particular member of staff by leaving them money/gifts in their will. This is likely to be more common where employees work closely with and / or care for vulnerable people as a part of their duties.

If a client or member of the public suggests to you that they are considering giving or leaving you money or gifts, you must firmly but politely discourage them from doing so. You should explain the difficulty that this may cause you and that people you meet through your work do not leave you things in their will. You must also report the matter to your manager, who should contact the governance team for guidance: governance@croydon.gov.uk or ext 65575.

In the event that any gifts or monies are left to you in a will, you must declare the fact to your Head of Service immediately. Under no circumstances must you accept the bequest.

Failure to comply with these rules is likely to lead to disciplinary action including the possibility of dismissal.

12. Membership of other bodies

Your membership of an outside organisation (including societies, professional bodies, voluntary groups or lobbying organisations) may be perceived as affecting the work you do or the decisions that you make. You must make sure that your outside interests do not:

- Conflict with your Council role.
- Put you in a position which might influence decisions you take at work.
- Put you in a position where you might promote the outside body's interests whilst at work.

- Conflict with the Council's policy and approach on equalities and diversity.
- If you are in doubt regarding your membership of an outside organisation, you should discuss with your line manager in the first instance, to find out if you should register your membership by completing a [formal declaration of interest](#).

In particular you must tell us if you belong to:

- A 'secret' society.
- A group which may be considered discriminatory.
- A group which has a contract or potential contract with the Council.
- A group which receives funding or support from the Council.

We define a 'secret' society as one that is not open to members of the public unless they join it and requires its members to make some sort of commitment to the society, such as an oath of allegiance.

13. Reporting of Criminal Offences

As an employee of the Council, you are expected to conduct yourself at all times (inside and outside of work) in a manner that will maintain public confidence in both your personal integrity and in the good reputation of the Council.

In general, what you do outside of work is your personal concern unless your actions would affect your suitability to carry out your post or cause a breakdown in the Council's employment relationship with you and/or damage the image and reputation of the Council.

You must inform your manager as soon as possible if you are arrested (even if no action is taken against you) or you are subsequently cautioned or convicted in connection with any offence. This does not include minor driving offences such as fixed-penalty notices for speeding unless:

- driving is a key requirement of your job, for example, you drive a Council vehicle or you drive your own vehicle regularly on Council business
- the conviction results in disqualification from driving

Disclosing that you have been arrested, cautioned or convicted of a criminal offence does not necessarily mean that disciplinary action will be taken against you. Consideration will be given to the extent to which your conduct:

- affects your suitability to carry out your job
- impacts on work colleagues, customers, contractors/partners with whom the Council works
- impacts on the Council's valued image and reputation and
- undermines the trust and confidence that the Council must have in you as one of its employees.

Failing to disclose such information, even where no charges are brought against you, may also lead to disciplinary action under the Council's Disciplinary Procedure.

14. Protecting children and vulnerable adults

We are committed to safeguarding the interests of children and vulnerable adults and expect all staff to protect the interests and welfare of children, young people and adults at risk.

Even if your job does not involve you working directly with these groups, we expect you to report suspected acts of abuse or inappropriate behaviour against children or vulnerable adults.

15. Using Council resources and assets

Council resources and assets include not only physical objects and financial resources but also computer data and information generally. We must ensure that we use these and all public funds in a responsible and lawful manner, ensuring value for money.

You must only spend Council budgets or approve expenditure in line with the Council's Financial Regulations and Procedures, Contracts Handbook and Tenders and Contracts Regulations. You must only make decisions or approve expenditure if you have the authority to do so and in accordance with the Council's Schemes of Authorisation. You can find all of these in the ['Governance - the Right Thing' section of the intranet](#).

Anything that you write or produce at work (including research, reports, drawings and software) is the Council's intellectual property and should not be passed on to third parties. Similar principles apply to the copyright of Council publications. In the event of leaving the Council's employment you should not take the Council's intellectual property with you to a supplier/contractor organisation.

You must not use Council facilities or equipment including buildings, vehicles, and tools, for your personal or outside interests.

You must not take anything that belongs to the Council, including surplus equipment, material or food unless properly authorised in advance.

Take care to avoid waste, loss or damage to Council property.

See also the [Council's e-mail and computer usage policies](#)

16. Misusing your position

The public place a high degree of trust in the Council and the people who work for it and it is very important that you do not misuse this trust or your position

Under the Bribery Act 2010 it is an offence to request, agree to receive, or accept a financial or other advantage intending that a relevant function or activity should be performed improperly as a result.

For example, you must not:

- Use your position to give anyone an advantage or disadvantage.
- Accept or give a financial or other type of bribe or inducement
- Favour friends, family or current or past colleagues when making a job appointment or awarding a contract – this must be done on merit. In terms of recruitment processes if a member of your family, a friend, applies for employment with the Council you should declare the conflict of interest and not take any part in the recruitment process at all
- Try to influence councillors or MPs (including regarding job appointments).
- Deal with, or make a decision on, any application from someone you are personally associated with (for example a planning application or council tax benefit claim).

17. Confidentiality and data protection

The public trust us to keep their personal information safe and secure and not to use it unless we are authorised to do so.

The Council has a number of policies, procedures and processes that govern how it manages its information so that, as an organisation, it can comply with its legal, regulatory and operational requirements.

You have a responsibility to ensure that the Council meets these legal obligations including complying with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) when processing personal data as part of your job.

You must, therefore, make sure that you familiarise yourself with, understand and comply with the Council's policies regarding data and information, including its Workforce Data Protection Policy and any procedures applicable to your specific role. This includes undertaking relevant mandatory Information Management training. You can find the Council's policies on data protection on the intranet.

As well as understanding the points below, you should also make sure that you are aware of the [six principles of the Data Protection Act 2018](#), which imposes a legal duty on individuals to process data to ensure the rights of the Data Subject are not infringed.

Individuals who have access to personal data should at all times be aware of these and the [lawful basis](#) for using the data under their control. In particular:

- To access only data covered by the [Workforce Data Protection Policy](#) if it is needed for the work they do and that they have authority to access, that information. Data should only be used for the specific lawful purpose for which it was obtained;
- To only disclose data individuals (whether inside or outside the Council) where this is authorised;
- Not make any unnecessary copies of personal data;

- To keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
- Not to remove personal data, or devices containing or that can be used to access personal data, from the Council's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device;
- Never store personal data on personal devices;
- To use only your Council approved email account for email communications whilst working for the Council and not to send emails or transfer attachments using a personal email account;
- Always, lock drawers and filing cabinets. Never leave personal or valuable data unattended;
- Not to disclose personal data by discussing it where you can be overheard or processing data where it can be read easily by a third party;
- To dispose of personal data securely when finished with it by shredding or use of confidential waste bins;
- To report data breaches of which they become aware to the Information Management Team at data.breach@croydon.gov.uk immediately;
- Understand the [Rights of Data Subjects](#) as to how their data can be accessed by them and the other rights that they have to control the use of their information;
- To ask for help if you are unsure about data protection or if you notice any areas of data protection or security which can be improved upon from the information management team at information.management@croydon.gov.uk.

Further details about the Council's security procedures can be found in the information management policies on the intranet: <https://intranet.croydon.gov.uk/lbc-policy-manager/accesscontrol2.html>

Failing to observe data protection requirements may amount to a disciplinary offence, which will be dealt with under the Council's disciplinary procedure.

Significant negligent or deliberate breaches of Council policies, such as accessing employee or customer data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

It is a criminal offence to conceal or destroy personal data which is part of a subject access request. This conduct would also amount to gross misconduct which could result in your dismissal without notice. Likewise under Section 170 of the Data Protection Act 2018 it is an offence for a person to knowingly or recklessly obtain or disclose personal data of another person without the consent of the Council. Where this occurs, the Council will refer the incident to the Information Commissioner's Office for investigation and possible prosecution.

18. Relationships with other people

We expect you to have a professional and co-operative relationship with other people when you are at work, including elected members, colleagues, residents, suppliers and organisations that we work with.

There are some particular rules about how we work with different groups of people:

Residents, clients and service users

- You must always be courteous, efficient and impartial when dealing with individual people or groups.
- You should avoid developing inappropriate personal relationships with residents, clients and service users, especially if they are considered vulnerable, even if this is with the best intentions. This could be giving them money or gifts, showing them preferential treatment, or having an intimate relationship.

Elected members

The relationship between Members and staff is important to the successful working of the Council and we expect you to follow the [Protocol on Staff-Councillor Relations](#) (which can be found on the external [council website](#)). In addition:

- You must declare any personal relationships with elected members via a [declaration of interest](#).
- You must provide balanced advice to members or political groups and not let your own political opinions affect this.
- You should avoid over-familiarity with members so that your approach or political balance is not called into question.
- You must not approach elected members about personal employment issues.

You must also not let your personal political views affect your work, in how you provide services to residents, or your relationships with colleagues.

Contractors and suppliers

- You must declare [via a declaration of interest form](#) if you have a private or business relationship with any of our contractors or suppliers and complete a written declaration of interests.
- You must [declare in writing](#) if you (or a family member, friend or business associate) are part of a company or organisation submitting a tender to the Council.
- You must not disclose any information to any contractor or supplier unless authorised to do so.
- You must notify your manager immediately if you are approached by a contractor or supplier seeking unauthorised information or preferential treatment.

Colleagues

Sometimes personal relationships develop in the workplace. You must make sure that they do not adversely affect the work that you do, the decisions that you make, or how you treat other colleagues.

- You must tell your manager or the Monitoring Officer about any relationship with a colleague that may impact, or be perceived to have an impact on your work.
- Relatives, spouses, partners, God Parents or close personal friends are not allowed to directly line manage each other or be involved in any employment issues or decisions about each other. If a relationship develops between a manager and a direct report this should be raised with the manager's manager and Monitoring Officer and alternative line management arrangements need to be put in place. This includes recruitment decisions, managing performance and appraisal, job evaluation, restructuring, disciplinary and grievance issues, or authorising expenditure.
- You must appoint people based on merit and not their relationship with you.
- You must not canvass for a job on behalf of a friend or family member.
- You may not sit on the interview panel for a family member or a personal friend.
- If a candidate is known to you other than as a work colleague, you should inform the panel and seek advice on how to proceed.

19. Use of social media

The communications and social media tools that the Council provides are intended for Council business only, except for during your break periods where you may make limited personal use of sites like Facebook and Twitter and access personal emails. We monitor the Council's internet and email facilities to check that they are being used properly. The Council reserves the right to access any information on its systems or networks at any time which is all the property of the council.

Information that you publish on social media sites (whether at home or at work) can be seen to represent the Council or affect the Council's reputation. You should ensure that information you publish, or which is published through accounts you are responsible for, does not:

- Publish confidential information.
- Publish information that is Council property.
- Say that you work for the Council in a way that is not true.
- Publish the personal information of a third party without the necessary consent.
- Make negative comments about the Council, colleagues, customers or anyone else linked to the Council.
- Make offensive, defamatory or discriminatory remarks.
- Display offensive photographs or images.
- Express political views
- Express view that are contrary to Council policy

- Use social media to bully or harass colleagues (cyberbullying).
- Publish images of colleagues without their permission.
- Publish anything else that may adversely affect the Council's reputation.

20. Contacting and responding to the media

The Council's public image and reputation is affected by how it is presented in the media. The Council has a communications team whose responsibility is to manage the Council's reputation with the media and make or publish official comments on behalf of the Council.

Members of staff are not permitted to discuss Council issues with the media or provide them with information or documents without the permission of the Chief Executive or your Corporate Director or Director. This applies to electronic media, such as commenting on social networking sites or blogs, as well as press, radio and TV.

Staff side leads from the trade unions are permitted to speak directly to the media only on the union's behalf.

You must also not publish information in your own right which is against the Council's interests or defamatory of elected members, colleagues, people or organisations that we work with.

All media enquiries must be referred immediately to the Council's communications team. If you are aware of an issue which will cause media interest or are told that someone intends to contact the media about the Council or its services, you should immediately inform your manager and a member of the communications team.

21. Your personal affairs

Your personal affairs or financial circumstances may affect how you work or behave or have an impact on the Council.

Financial Responsibilities

- You must not do anything that defrauds the Council or deliberately stops it getting income that it is entitled to.
- You must not fall into unmanaged debt to the Council. This would include but is not limited to, rent arrears, council tax arrears, parking fines, arrears arising from leaseholder arrangements with the Council, arrears in the repayment of employee loans. You must tell us and make arrangements to pay back the money you owe in a timely manner. Where any such arrears have been accrued prior to employment with the Council, and

are still outstanding, employees should undertake to clear them within an agreed and reasonable period of time.

- If you leave Council employment any outstanding payment arrears will be taken from your final salary. If your final pay is insufficient to cover the sums owed to the council, you will need to enter into a debt repayment plan with the Council for the repayment of all sums owed.
- You should check your pay when you receive it and let your manager and the payroll team know about any problems or inaccuracies (including your personal information and tax code).

Carrying out other work

Should you wish to take on any kind of additional work, paid or unpaid, you must inform your director beforehand in writing. You must comply with the requirement to make a formal declaration of interests, as set out above. In general, you can do other work, in addition to your Council role as long as:

- It does not conflict with your Council role.
- It is not during your Council working time or when you are on sick leave.
- It is not seen to be against the interests of the Council.
- It does not affect your ability to do your Council job.
- What you are doing does not damage the Council's reputation, or reduce public confidence.
- The **total** amount of work that you do does not exceed the hours set out in the Working Time Regulations.
- It does not put you in a position where you are competing with the Council for work or contracts.
- You do not use Council resources, material or information (for example IT equipment, photocopiers, postage, phone calls, e-mail).
- You do not use your position with the Council for private gain.
- You tell your other employer that you also work for the Council.

If you do undertake work outside the Council, you must not use the Council's facilities for that work.

22. Alcohol and drugs

In order to provide the best possible services to and support the wellbeing of our staff the Council has a clear position on the use of alcohol and drugs:

- If you use, or are in possession of illegal drugs at work, you will be subject to disciplinary action and reported to the police.
- If you arrive for work smelling of alcohol or drugs we may take disciplinary action.
- You may not consume alcohol at work (unless it has been approved for a work event).

- If you use drugs, alcohol or other substances outside of work, this must not affect your ability to do your job or damage the Council's reputation.

For more information see the Council's [drug and alcohol policy](#) on the intranet. It is your responsibility to report any suspicions about colleagues drug or alcohol use at work to your manager.

23. The role of the Monitoring Officer

The Monitoring Officer is responsible for making sure that Councillors and officers act with propriety and within the law. This person has a statutory responsibility to produce a report to full Council in the event of any possible illegality, maladministration or injustice coming to their attention. The Monitoring Officer in the London Borough of Croydon is the Director of Legal Services.

24 Where to get help and further information

If you have any questions about this code of conduct, or advice about a particular situation you should first of all speak to your Head of Service. In some cases you need to speak or seek approval directly from your Director, Corporate Director or the Chief Executive.

Further help and guidance can be found in the following documents on the Council's intranet:

- Customer Commitment
- [Alcohol and drugs policy \(module 11, chp6 in HR handbook\)](#)
- [Employee Grievance Procedure \(module 13, chp1 in HR handbook\)](#)
- [Protocol on Staff – Councillor Relations](#) (on the external website)

In the [Governance - the right thing](#)” section of the intranet you will find the Council's policies, procedures and guidance on:

- [Gifts and hospitality](#)
- [Expenses \(also module 05, chpt 6 in HR Handbook\)](#)
- [Whistleblowing \(also module 13, chpt 2 in HR Handbook\)](#)
- [Declarations of interests](#)
- [Nolan Principles](#)
- [Anti-Bribery](#)
- [Scheme of Delegation](#)
- [Financial regulations](#)
- [Purchasing, procurement, tendering and contracts.](#)
- [Information management and data loss](#)
- [Acceptable use of email and internet \(also module 18, chpt 2 in HR Handbook\)](#)

End

Appendix A: The Seven Principles of Public Life

These principles (also known as the Nolan Principles) are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B: Standards of behaviour at work

We have standards of behaviour which we expect from you. These help make the Council a good place to work and ensure that colleagues and customers feel welcomed and valued. We also expect you to comply with the Council's commitment to equality.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act Croydon council may be liable for any discriminatory acts which you commit.

Officers are expected to uphold Section 149 Equality Act 2010:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

People working for the Council and our customers are entitled:

- To be treated with dignity, respect, courtesy and fairness.
- Not to be bullied, harassed or victimised.
- Not to experience any form of unlawful discrimination.

By law they are protected from discrimination on grounds of:

- Race
- Sex
- Disability
- Religion or belief
- Age
- Sexual orientation
- Gender reassignment
- Pregnancy or maternity
- Being married or in a civil partnership.

These are called 'protected characteristics' and they are referred to in the more detailed guidance below.

We will not tolerate unfair, offensive or unlawful discriminatory behaviour. It may be regarded as a serious disciplinary offence, which could lead to dismissal.

Discriminatory, unacceptable or offensive behaviour can take many different forms. Remember that your colleagues or customers may have different standards to you and may be offended or feel harassed by behaviour that you think is acceptable.

If you feel that you have been subjected to this sort of behaviour you should first of all discuss this with the other person or your manager and try and resolve it informally. If this is not possible or appropriate you should use the Council's Grievance procedure.

The next pages set out what we consider to be:

- Discrimination
- Bullying/harassment
- Unacceptable or offensive behaviour

All of these fall below the standards of behaviour that we expect.

Discrimination

Discrimination can take a number of different forms.

Some of these are unlawful under the Equality Act 2010. Others may not be unlawful if the employer can demonstrate that they are **objectively justified**. This is a legal term where employers can prove there is a legitimate basis for treating an individual or group differently to others. The different forms of discrimination are:

- Treating someone worse than someone else because of a protected characteristic (this is called **direct discrimination**).
- Applying a practice or policy which disadvantages a person or people who share a particular protected characteristic (**indirect discrimination**).
- Treating someone worse than someone else because you think they have a protected characteristic, whether they do or not (**perception**).
- Treating someone worse than someone else because they are **associated with** a person who has a protected characteristic.
- Treating someone **unfavourably** because of something arising as a result of their disability. This is called **discrimination arising from disability**.
- Failing to make reasonable adjustments in the workplace so that a disabled person is not at a substantial disadvantage when carrying out their job.
- Treating someone unfavourably because of absence due to pregnancy, pregnancy-related sickness or maternity leave, or because they are undergoing gender reassignment.
- Treating a person badly or **victimising** them because you think that they
 - Have complained about discrimination.
 - Are going to complain about discrimination.
 - Have helped someone else complain.

- Have done anything to uphold their own or someone else's equality law rights.

Bullying and harassment

Bullying and harassment is any sort of unwanted behaviour that violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language, including gossip
- Non-verbal behaviour and micro aggressions such as inappropriate eye contact.
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns.

Preventing bullying behaviour from developing

Ideally, a culture of honest and clear communication should be sought, with respect for the individual and for the confidentiality required when managing individual performance-related issues.

You also need to be mindful that colleagues can come from a wide range of backgrounds and may have been part of workplaces where the culture and expected standards are very different from what is expected in the council; as a result, you may not be aware of the impact that your communication has on others.

Early discussion about emerging issues is important to help avoid matters escalating and help establish more effective working relationships for the future.

Harassment

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Like bullying, harassment can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Harassment may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. It may manifest obviously, or be hidden, or insidious.

Examples of harassment include but are not limited to:

- sending unwelcome emails
- unnecessarily repetitive, intrusive questioning
- unwelcome physical contact such as touching or invading 'personal space'
- haranguing
- intimidation
- inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment.

All forms of bullying and harassment are unacceptable and we will take firm action against them.

Unacceptable or offensive behaviour

There is no definitive explanation of what constitutes unacceptable or offensive behaviour. The impact of unwanted conduct as perceived by the victim is more important than the perception of the harasser and their intent. Whether it is reasonable for the victim to feel the way they do is also taken into account.

Unacceptable or offensive behaviour can include:

- Any unwanted, unwelcomed and unreciprocated behaviour which undermines someone's dignity/feelings at work.
- Behaviour which might unreasonably threaten someone's job security or promotion prospects.
- Behaviour which creates an intimidating working environment, such as:
 - Actions, jokes, mimicking, or suggestions which might create a stressful working environment.
 - The production, distribution, display or communication and discussion of material such as books, posters, magazines, newspaper articles, photographs, videos, computer generated imagery etc., which may give rise to offence.

- People in authority using their position to bully, abuse or harass others.
- People in authority assuming a threatening or intimidating management style.

If someone finds any behaviour towards them at work has overtones which they find reasonably offensive they have the right to have it stopped.

This behaviour can be from a work colleague, contractor, councillor or someone working with the Council.

Unacceptable behaviour does not include legitimate actions taken:

- By a manager to encourage a worker to perform their duties or manage their performance.
- Within disciplinary or other formal procedures.

The following examples are a guide to help you understand what behaviour could be unacceptable and deemed discriminatory or offensive, whether it is intentional or not.

There will be other types of behaviour which could be unacceptable or offensive, but we hope that this is a useful guide to the most common types.

Type	Description	Examples
Sexual harassment	Behaviour which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. This means any harassing conduct based on gender or sexuality.	Inappropriate gestures, leering, getting too close, unwanted physical contact, including touching, patting, pinching, brushing against another person's body, indecent assault, display of material with sexual overtones (even if not directed at the complainant), giving unwanted gifts, using suggestive language, making unwanted propositions, derogatory comments, ridiculing or name calling based upon sex, repeatedly asking for dates after being refused, banter of a sexual nature, telling sexually explicit jokes, using affectionate names, asking personal questions, using innuendos, sending offensive emails, text messages and social media content (including social media activity in and outside work)

Type	Description	Examples
Racial harassment	Behaviour which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person due to their race, colour or country of origin.	Inappropriate gestures, facial expressions, mimicking accents, derogatory comments, ridiculing or name calling based upon race, display of offensive material (even if not directed at the complainant), threats or insults, racial abuse, telling racist jokes and banter, inappropriate nicknames, labels, assault, excluding from social functions or events, ostracising, sending offensive emails, text messages and social media content (including social media activity in and outside of work)
Disability harassment	Behaviour which is directed at any individual with a disability, or groups of disabled people, which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person due to their disability	Inappropriate gestures, mimicking, derogatory comments based upon a disability or reasonable adjustments that are in place, ignoring wishes or feelings, ostracising, staring, laughing at a disability, intrusive or inappropriate questioning, personal questions, telling jokes that are based upon a disability, patronising comments, inappropriate nicknames, excluding from social functions or events due to a disability, removing or preventing access to reasonable adjustments, sending offensive emails, text messages and social media content (including social media activity in and outside of work)
Religious belief harassment	Behaviour which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading,	Inappropriate gestures, mimicking, derogatory comments based upon religion or belief, making jokes or derogatory comments regarding religious dress (e.g. skull cap, turban, hijab), criticism of religious practices e.g. for

Type	Description	Examples
	humiliating or offensive environment for that person due to their religion or belief	taking time off to observe religious holidays, offensive name calling, assault, excluding from social functions or events due to religion or belief, display of offensive material relating to religion or belief, sending offensive emails, text messages and social media content relating to religion or belief (including social media activity in and outside of work).
Equality-related conflict	<p>The Council recognises that people have the right to observe different religions and beliefs and will make reasonable provisions to help employees practice their religion or belief e.g. through flexible working hours and providing a quiet area for prayer.</p> <p>Practicing a religion or belief at work in a way that may cause offence or treats people differently because of their protected characteristic is unacceptable and may also be unlawful.</p>	<p>An employee shares a workstation with a gay man who openly discusses his relationship with another man. The employee tells the gay colleague that her religion regards such behaviour as sinful and contrary to the laws of her God. Such a comment may be discriminatory towards the gay man.</p> <p>Some individuals may be guided by their religion or culture not to shake hands as a greeting. To avoid causing offence individuals should ensure that they greet all people in the workplace in the same way, irrespective of their race, gender, age, religion, sexual orientation etc.</p> <p>A counsellor declines to provide a service to a same-sex couple on the grounds that such relationships are immoral according to his religion. Such behaviour conflicts with the Council's statutory duty to eliminate discrimination and promote equality and is not acceptable.</p>
Age harassment	Behaviour which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or	Inappropriate gestures, mimicking, the display of material which is offensive in relation to age, excluding from social functions or events due to age, ostracising, making derogatory

Type	Description	Examples
	offensive environment for that person due to their age	<p>comments, ridiculing or name calling in relation to age, telling jokes and banter which are based on age,</p> <p>questioning ability based on age stereotypes, sending offensive emails, text messages and social media content relating to age (including social media activity in and outside work).</p>
Sexual orientation harassment	Behaviour which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person due to their sexual orientation or perceived sexual orientation	Inappropriate gestures, mimicking, the display of material which is offensive in relation to sexual orientation, Homophobic abuse, threats, insults, ridiculing or name calling, jokes relating to sexual orientation, banter or derogatory comments in relation to sexual orientation, intrusive or inappropriate questioning, , , criticism or chiding on the grounds of belief (religious or other),ostracising, excluding from social events due to sexual orientation or perceived sexual orientation, sending offensive emails, text messages and social media content relating to sexual orientation (including social media activity in and outside work).
Harassment related to gender identity or gender reassignment	Behaviour which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person due to their gender identity or gender reassignment, to include non binary and gender neutral.	Inappropriate gestures, mimicking, the display of material which is offensive in relation to gender identity or gender reassignment, ostracising, excluding from social functions or events due to gender identity or gender reassignment, making derogatory comments, ridiculing or name calling in relation to gender identity or gender reassignment, telling jokes and banter in relation to a person’s gender identity or gender reassignment, sending offensive emails, text messages and social media content relating to gender identity or gender reassignment (including social media activity in and outside work), deliberately or persistently ‘misgendering’ a trans person, deliberately or persistently ‘deadnaming’ (calling someone by their birth name after

Type	Description	Examples
		they have changed their name), threats or insults.
Bullying/Singling out	Bullying often results from a misuse of management power, but it can also be the misuse of any form of individual power, such as physical strength, personality or age or collective power through strength of numbers. More than a strong or authoritarian management style, it is destructive rather than constructive, it is criticism of a person rather than their mistakes, it publicly humiliates rather than privately corrects them and it results in them feeling threatened or compromised.	Ostracising/freezing out, withholding essential information, resources or training, setting impossible tasks or deadlines, over demanding requirements, needlessly changing priorities or objectives, unreasonable allocation of duties, deliberate wrongful attribution of blame, shouting, swearing, abuse, nicknames, malicious gossip, public reprimanding or humiliation, belittling, sarcastic or patronising comments, persistent reminders of past failures, excessively tight supervision, unnecessary phone calls to someone's home, hitting or grabbing a person, pushing, jostling, practical jokes, initiation ceremonies, damaging or stealing property.
Victimisation	Where a person is subjected to a detriment because he/she has brought proceedings, given evidence or information, or complained about the behaviour of someone who has been harassing, discriminating against, or in some other way intimidating them.	A worker helps a colleague with a sexual harassment grievance against another worker. Because of this, their manager marks them down at their annual appraisal on the basis they are 'not very loyal'.

Taking action or making a grievance:

If you are personally subject to behaviour which is against these standards:

- Discuss it with the person concerned to try to resolve the issue informally and discuss the matter with your manager.

- If you do not feel that this is possible or appropriate, or you are unsatisfied with the response you may raise a grievance through the Council's [employee grievance procedure \(module13, chp1, HR Handbook\)](#)

We will take your grievance seriously and investigate it. Disciplinary action may be taken if the allegation is proven.

If you witness behaviour which is against these standards:

- Firstly try to resolve the matter informally with the person concerned.
- If you do not feel that this is possible or appropriate you should raise the matter with a senior manager such as your Head of Service or Director.

Responsibilities

The Council takes discriminatory, unacceptable or offensive behaviour extremely seriously. To ensure this, different people have different responsibilities:

The Council will:

- Review, revise, implement and monitor our policies and procedures.

Elected members will:

- Support the principles and practice of equality and diversity policies.
- Ensure that Council services are available to all members of the community.
- Treat all workers and customers with dignity and respect.

The Chief Executive will:

- Ensure the Council's commitments are communicated effectively.
- Require that senior management observes its responsibilities to ensure that behaviour towards staff does not involve any form of harassment or discrimination.

Human Resources will:

- Provide specialist advice and arrange training for managers and staff.
- Set guidelines for implementing employment aspects of equalities and diversity policies.

Senior managers will:

- Communicate the Council's commitment to equalities and diversity to all staff.
- Ensure that they and their staff comply with the Council's standards of behaviour.
- Ensure that all managers apply policies and practices fairly and consistently.

- Provide services that are available to all members of the community.
- Take speedy and appropriate action to deal with unacceptable or offensive behaviour.

All managers will:

- Treat all those working for the Council and customers with dignity and respect.
- Be alert to and take action to correct unacceptable behaviour within the workplace
- Ensure all workers and volunteers are aware of the standards of behaviour that the Council expects of them.
- Make sure all workers and volunteers know how to raise issues.
- Support workers if they witness unacceptable behaviour by customers by explaining politely but firmly that such behaviour is unacceptable.
- Deal with any grievances or allegations which come to their attention appropriately, effectively and confidentially, respecting the rights of all relevant parties.
- Ensure that people who make a grievance are appropriately supported in doing so.

Everyone who works for the Council is responsible for:

- Understanding the standards of behaviour that the Council expects of them.
- Making sure that their own conduct does not fall below those standards of behaviour.
- Standing up to behaviour that they find unacceptable.
- Supporting colleagues who are being harassed, bullied, victimised, or being discriminated against.

End

Appendix C: Standards of appearance at work

How you look and dress at work has an impact on how people view the Council and inappropriate dress can suggest that staff have little regard for their service delivery or their customers.

It is therefore important that staff are clear about what is expected from them in how they dress for work.

Standards of appearance

The Council expects all staff to:

- Have a high standard of appearance and personal hygiene.
- Choose professional and appropriate clothing for the work you are doing.
- Avoid any clothing with political or offensive messages.
- Display a visible Council identification badge when at work, unless your Head of Service has agreed that you do not have to wear one.

Staff working in an office environment are expected to

- Wear formal or informal office dress, depending on their work that day.
- Wear formal office dress when meeting visitors or people from other organisations.
- Wear suitable footwear, both in terms of appearance and in ensuring their safety and wellbeing.

Staff issued with uniform or protective clothing officers are expected to:

- Wear only protective clothing or uniform authorised or owned by the Council.
- Keep their clothing clean, presentable and in good repair.
- Prevent anyone else from wearing their uniform or protective clothing.
- Return their protective clothing to the Council when they leave.
- Make any alterations for religious or health reasons only after agreement with their manager.
- Avoid wearing their Council clothing outside work hours, except when they are travelling to and from work.

What you can expect from the Council

Staff can expect the Council to have a flexible and professional approach to the standards of dress at work which recognises that:

- Different types of dress (e.g. protective clothing, uniforms or formal business wear) are needed or appropriate for different types of work.
- Our employees come from a large range of backgrounds, cultures and ages with different preferences and styles of dress.
- Adjustments may sometimes be necessary due to health, disability, cultural or religious considerations.
- In some circumstances casual clothing may to be worn at work, for example:

- When attending work social events or preparing for accommodation moves/housekeeping.
- When participating in exercise before and/or during the working day, bringing a change of clothing, as appropriate
- Where there is a local agreement that the use of casual clothing and/or sportswear improves accessibility with service users.
- When attending some off site training courses.

If we consider that your appearance is not acceptable, we will tell you. If you do not make the improvement required we may then follow our disciplinary procedures, which you can find on the Council's [HR Handbook](#), module 11, Chpt 2

End

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REPORT TO:	ETHICS COMMITTEE 9 February 2022
SUBJECT:	DISPENSATION APPLICATIONS FOR MEMBERS
LEAD OFFICER:	JOHN JONES INTERIM MONITORING OFFICER
CABINET MEMBER:	N/A
WARDS:	ALL
PUBLIC/EXEMPT:	PUBLIC

SUMMARY OF REPORT:

Following statutory amendments to the ethics regime, full Council adopted a new Code of Conduct in 2011 and delegated to the Monitoring Officer and the Ethics Committee the power to consider dispensations under the new ethics regime.

The Council has further agreed to adopt a new Code of Conduct at its meeting on Monday 11 October 2021. That Code is based on the new national Model Member Code of Conduct produced by the Local Government Association.

The Council currently does not have any outstanding applications for dispensations, however should any be received following the dispatch of the agenda they will be circulated on the evening for consideration.

COUNCIL PRIORITIES 2020-2024

The Committee is empowered to consider any applications for a grant of dispensation in the circumstances set out in paragraph 2.2 (8) of Part 3 of the Constitution.

[Council's priorities](#)

FINANCIAL IMPACT:

There are no additional costs arising from the recommendations in this report.

RECOMMENDATIONS:

In the event that any new applications for dispensations are received, the Committee is asked to:

- 1.1. Consider any new applications from Members and determine whether to grant the dispensation, and if so, the grounds upon which to grant the dispensation and the length of time for which such dispensation is to be granted.

- 1.2. Note Appendix 1 setting out the updated information about the categories of interests and the criteria for considering dispensations as set-out in the constitution at Part 5I.

1. DETAIL

- 1.1. Under Section 31 of the Localism Act 2011 (“the Act”), a Member or co-opted Member who has a disclosable pecuniary interest (DPI) in a matter to be considered or being considered at a meeting of the authority at which that Member or co-opted Member is present and the DPI is one which the Member or co-opted Member is aware of, the Member or co-opted Member may not participate or participate further in any discussion or vote on the matter at the meeting unless he/she has first obtained a dispensation in accordance with the Council’s dispensation procedure.
- 1.2. Under the Council’s new Code of Conduct adopted on 11th October 2021, when a matter arises at a meeting that directly relates to the financial interest or wellbeing of the Member or co-opted Member’s Other Registrable Interests (as set out in Table 2 of Appendix B to the Code), the Member or co-opted Member must disclose the interest and not vote on the matter unless they have first obtained a dispensation in accordance with the Council’s dispensation procedure. This in summary would be a dispensation request for Other Registrable Interests (ORIs).
- 1.3. Where a matter arises at a meeting which directly relates to the Member or co-opted Member’s financial interest (and is not a DPI) or a financial interest or wellbeing of a relative or close associate, the Member or co-opted Member must disclose the interest. They may only speak on the matter if members of the public are also allowed to speak at the meeting: otherwise they may not participate or vote on the matter unless they have first obtained a dispensation in accordance with the Council’s dispensation procedure. This in summary would be a dispensation request for Non-Registrable Interests (NRIs).
- 1.4. The Council’s dispensation criteria set-out at Appendix 1 outlines the 5 circumstances in respect of which a dispensation may be granted to either participate and/or vote when the Member has a DPI, ORI or NRI. These are namely:
- i) That so many members of the decision-making body have disclosable pecuniary interests (DPis) in a matter that it would “impede the transaction of the business”;
 - ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - iii) That the authority considers that the dispensation is in the interests of persons living in the authority’s area;

- iv) That, without a dispensation, no member of the Cabinet would be able to participate on this matter; or
 - v) That the authority considers that it is otherwise appropriate to grant a dispensation.
- 1.5. The Council has determined that in respect of grounds (i) and (iv) above, which involve an objective assessment of whether the requirements are met, it is appropriate to delegate dispensations on these grounds to the Monitoring Officer for determination. The Monitoring Officer is permitted, but not required, to consult with the Ethics Committee prior to determining an application for dispensation on grounds (i) or (iv).
- 1.6. In respect of grounds (ii), (iii) and (v) above, assessment of these grounds involve a value judgement and are less objective and Council has therefore considered it appropriate that the discretion to grant dispensations on these grounds is delegated to the Ethics Committee, after consultation with the Independent Person.
- 1.7. The Council currently does not have any outstanding applications for dispensations, however should any be received following the dispatch of the agenda they will be circulated on the evening for consideration.
- 1.8. In considering the matter, the Ethics Committee is required to assess whether, in light of the contents of the application, the reasons for excluding a Member from participating and/or from voting where a DPI, ORI or NRI exists is outweighed by the considerations set out in the application which supports the Member being able to participate and/or vote at the meeting.
- 1.9. The Committee is also asked to set out the time period in respect of which it is appropriate to grant the dispensation. In this regard, Members should be mindful of the fact that any dispensation may not be granted for a period exceeding four calendar years, nor is it recommended that a dispensation be granted for a period longer than the remaining term of office of the relevant Member.

2. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 2.1 There are no direct financial implications arising from this report.

Approved by: Richard Ennis, Interim Deputy s151 Officer.

3. LEGAL CONSIDERATIONS

- 3.1. The Head of Head of Litigation & Corporate Law comments on behalf of the Interim Director of Law and Deputy Monitoring Officer that following the revised Member's Code of Conduct adopted on 11th October 2021 the attached appendix sets out the dispensation criteria for Members wishing to request a dispensation when they feel any of the three types of categories of interests, also set-out in the appendix, apply to them.
- 3.2. The requirement to disclose a pecuniary interest arises from section 30 of the Localism Act 2011 ('the 2011 Act'). Section 31 of the 2011 Act, as set-out in paragraph 1.1 of the report, states that a Member or co-opted Member may not participate or participate further in any discussion or vote in a meeting unless he/she has first obtained a dispensation in accordance with the Council's dispensation procedure.
- 3.3. The grounds for seeking a dispensation for a pecuniary interest are set-out in Section 33(2)(a) – (e) of the 2011 Act, which is currently outlined within the Council's constitution at paragraph 2.2(8) of Part 3 for all dispensation requests.
- 3.4. Therefore, having adopted the revised Member's Code of Conduct, as outlined above, the grounds as highlighted in paragraph 3.3 equally apply to Other Registerable interests (ORIs) and Non-Registrable Interests (NRIs), as they do for Disclosable Pecuniary Interests (DPIs).
- 3.5. As with DPI dispensation requests, an ORI and a NRI request can be granted to allow the requestor to participate and/or vote at a meeting.

Approved by Sandra Herbert, Head of Litigation & Corporate Law on behalf of the Interim Director of Law & Deputy Monitoring Officer.

4. HUMAN RESOURCES IMPACT

- 4.1 There are no direct human resources impacts for Croydon Council employees or staff as a consequence of this report and its recommendations.

Approved by: Gillian Bevan, Head of HR - Resources.

5. EQUALITIES IMPACT

- 5.1 The revised Members' Code of Conduct includes a commitment to promote equalities. The associated guidance facilitates fairness in decision making when Members are seeking a dispensation.

Approved by: Denise McCauseland, Equalities Manager

6. ENVIRONMENTAL IMPACT

6.1 There is no environmental impact arising from this report.

7. CRIME AND DISORDER REDUCTION IMPACT

7.1. There is no crime and disorder impact arising from this report.

8. DATA PROTECTION IMPLICATIONS

8.1. WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

No.

8.2. HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

No: the subject matter of this report does not directly have any data protection implications. The process of administering dispensation applications may have data protection implications: these will be assessed on a case by case basis when requests are made, in accordance with the protocol.

Approved by: John Jones, Interim Monitoring Officer

9. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

9.1 To support the Council to implement actions within the Croydon Renewal Plan, and to be a transparent, open and honest council.

CONTACT OFFICER:

John Jones
Interim Monitoring Officer

APPENDICES TO THIS REPORT:

Appendix 1 – Dispensation Criteria

BACKGROUND DOCUMENTS:

There are no unpublished documents upon which this report has been based

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Determination of Dispensation Applications:

Under Section 31 of the Localism Act 2011 (“the Act”), a Member or co-opted Member who has a disclosable pecuniary interest (DPI) in a matter to be considered or being considered at a meeting of the authority at which that Member or co-opted Member is present and the DPI is one which the Member or co-opted Member is aware of, the Member or co-opted Member may not participate or participate further in any discussion or vote on the matter at the meeting unless he/she has first obtained a dispensation in accordance with the Council’s dispensation procedure.

Further detail on what constitutes a DPI is set-out in the Constitution at Part 5.1 – Appendix B. If a dispensation has not been received for any matter which arises at a meeting as set out in Table 1 within Appendix B, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.

You also require a dispensation for both;

i) Other Registrable Interests (ORIs)

Other personal interests which fall within the categories set out in Table 2 (Other Registrable Interests) within Appendix B. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registrable Interests, you must disclose the interest and not vote on the matter unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, and

ii) Non-Registrable Interests (NRIs)

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a DPI, as set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

It should be noted that the disclosure of any disclosable pecuniary interests, other registrable interests and/or non-registrable interests, including any not already on a Member’s Register of Interest or subject to a pending notification to the Monitoring Officer, shall be recorded in the minutes of the meeting. Furthermore, the first two categories (DPIs & ORIs) are interests which must be recorded on a public register except in limited circumstances. The third category (NRI) does not need to be recorded on the register but will need to be declared as and when they arise.

Further information on what Members should disclose and when, can also be found within the Guidance (at Part 3 - Protecting your reputation and the reputation of the council) for the Member Code of Conduct.

There are 5 circumstances/grounds, following any request being made in writing to the Monitoring Officer, in respect of which a dispensation may be granted, to either participate and/or vote at a meeting, these are:

- 1.1 That so many members of the decision-making body have disclosable pecuniary interests (DPIs) in a matter that it would “impede the transaction of the business”
- 1.2 That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. ;
- 1.3 That the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- 1.4 That, without a dispensation, no member of the Cabinet would be able to participate on this matter or
- 1.5 That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

The Localism Act gives discretion for the power to grant dispensations to be delegated to a Committee or a Sub-Committee or to the Monitoring Officer.

This Council has determined that in respect of grounds 1.1 and 1.4 above, which involve an objective assessment of whether the requirements are met, it is appropriate to delegate dispensations on these grounds to the Monitoring Officer for determination. The Monitoring Officer is permitted, but not required, to consult with the Ethics Committee prior to determining an application for dispensation on grounds 1.1 or 1.4.

In respect of grounds 1.2, 1.3 and 1.5 above, assessment of these grounds involve a value judgement and are less objective and Council has therefore considered it appropriate that the discretion to grant dispensations on these grounds is delegated to the Ethics Committee, after consultation with the Independent Person.

Members wishing to apply for a dispensation are advised to complete the dispensation application form, Appendix 1 hereto.

Adopted: July 2012 & Updated February 2022

REPORT TO:	ETHICS COMMITTEE 9 February 2022
SUBJECT:	Staff-Councillor Relations Protocol
LEAD OFFICER:	Richard Ennis, Corporate Director of Resources (interim)
WARDS:	All
CORPORATE PRIORITIES 2021-24:	
A review of the protocol to assist both Members and Officers to have an appropriate understanding of their respective roles will support implementation of the Croydon Renewal Improvement Plan.	

FINANCIAL IMPACT
Implementation of the recommendations within this report shall be contained within existing budgets.

RECOMMENDATION
Ethics Committee is recommended to:
<ol style="list-style-type: none"> 1. Review the draft revisions to the Staff-Councillor Relations Protocol; 2. Recommend to General Purposes and Audit Committee the inclusion of these revisions with a package of wider changes to the Constitution, to be recommended to Council on 23 March 2022.

1. EXECUTIVE SUMMARY

- 1.1 This report seeks comments from the Committee on a revised draft Protocol on Staff-Councillor relations, which has been developed with input from Members and Officers.
- 1.2 Subject to the views of the Committee, the revised draft will be proposed for inclusion in the Constitution and will be used to inform staff and Member training.

2. BACKGROUND

- 2.1 The Staff-Councillor Relations Protocol has not been materially reviewed or amended for some years.
- 2.2 In its response to the Report in the Public Interest ('RIPI'), the Council identified a need to clarify member and officer roles to support good governance arrangements. An action was included in the RIPI action plan to

review the Staff-Councillor Relations Protocol and to deliver training to develop good practice.

- 2.3 Following revision of the Member and Officer Codes of Conduct, Ethics Committee agreed at its meeting in December 2021 that a Member/ Officer Task and Finish Group be convened to review the Staff-Councillor Relations Protocol, to prepare a revised draft for consideration by the Committee, prior to inclusion in proposed amendments to the Constitution in March 2022.
- 2.4 Cllrs Fraser and Hale were nominated by the Committee to join the Task and Finish Group, which also included 5 officers. The Task and Finish Group met twice as follows:

Meeting 1: reviewed Protocols from Bristol, Lewisham and Tower Hamlets and considered whether anything might be missing from/ could be strengthened in the current Protocol.

Meeting 2: considered draft additional/ amended text. (The meeting was held across two separate occasions due to limited Member availability).

3. THE PROPOSAL

- 3.1 Analysis of the Council's current Protocol in comparison with relevant examples from other councils has shown that the Protocol is short in comparison with many and does not include content in relation to, for example:
- Declaration of close personal relationships between Members and staff;
 - The accountability of staff to their line managers;
 - Arrangements for informal briefings of groups of Members;
 - Criticism of staff members in public meetings;
 - The responsibility of staff to ensure that Members receive the information they need to carry out their roles as Members.
- 3.2 A revised draft Protocol appears at Appendix 1: this has been informed by the comments of the Task and Finish Group and shows changes in comparison to the current Protocol. A clean version appears at Appendix 2.
- 3.3 The Committee is asked to note that:
- Hyperlinks will be added to all documents referred to in the Protocol;
 - More detail about the definition of bullying and harassment appears in the Member and Officer Codes of Conduct (and associated guidance) and so content on this topic has been removed from this Protocol;
 - A glossary has been added, as requested by the Task and Finish Group, to increase the accessibility of the Protocol for staff;
 - This Protocol addresses working relationships between staff and Councillors: any issues arising in working relationships between different officers are addressed in HR policies which are set out in the HR handbook;

- The requirement to notify the Monitoring Officer of close relationships which may be seen as influencing Member/ Officer decisions (whether Member/ Officer, Member/ Member or Officer/ Officer) is in addition to the procedures for disclosure of pecuniary and other registrable interests. The Monitoring Officer will maintain a record of such notifications, which will not be published.

4. NEXT STEPS

- 4.1 Subject to comments from the Committee, the draft revised Protocol will be considered by the Constitution Working Group prior to General Purposes and Audit Committee on 3rd March and Full Council on 23rd March 2022.
- 4.2 Once a revised draft has been finalised, attention will turn to arrangements for training on the Protocol:
- i) Two (repeated) sessions have been scheduled on the topic as part of the Member induction programme from May 2022;
 - i) It is proposed to hold a discussion on the Protocol at a future meeting of CMT/ Directors/ Heads of Service;
 - ii) Once adopted by Council, the Protocol will be discussed at the all-staff webinar;
 - iii) A summary of the Protocol will be produced for use at staff induction ongoing and for insertion in the Member Handbook.

5. CONSULTATION

- 5.1 The revised Protocol has been informed by comments from a Member/ Officer Task and Finish Group.

6. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 6.1 There are no direct financial implications arising from this report.

Approved by: Matt Davis, Interim Deputy s151 Officer.

7. LEGAL CONSIDERATIONS

- 7.1 The Head of Head of Litigation & Corporate Law comments on behalf of the Interim Director of Law and Deputy Monitoring Officer as to the proposed revision of the Staff-Councillor Relations Protocol ('Protocol').
- 7.2 Although there is no requirement in law to produce a separate Protocol detailing such relations there is a requirement for both Members and Officers to conduct themselves in a certain way.
- 7.3 Section 27(2) of the Localism Act 2011 sets out the need for a Member Code of Conduct. It outlines that a local authority must adopt 'a code dealing with

the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.’

- 7.4 The Local Government Act 2000 enables the Secretary of State to issue a statutory code of conduct for local authority staff, in addition to their terms and conditions of employment. However in England no such code has been issued. Therefore, most local authorities continue to operate with a voluntary code to bring together the existing laws, regulation and conditions of service which regulate staff conduct to ensure the Council operates within its legal framework.
- 7.5 The fundamental principles that should be reflected within the Protocol is, as set-out in *Ahmed v United Kingdom* (2000) 29 EHRR 1, that “the local government system of the UK has long resided on a bond of trust between elected members and a permanent corps of local government officer... that relationship of trust stems from the right of council members to expect that they are being assisted in their functions by officers who are politically neutral and whose loyalty is to the council as a whole”.
- 7.6 Such principles have emanated from and been developed by the recommendations of the Widdicombe Committee and more recently from the review by the Committee of Standards in Public life as to Local Government Ethical Standards.
- 7.7 The Local Government Association has also have published a great deal of information as to effective councillor/officer relations, which includes “[A councillor’s workbook on effective councillor/officer relationships 2018](#)”.
- 7.8 In summary, the Protocol clarifies the roles, responsibilities and relationships of Members and Officers and sets out how they will work together. It also guides Members and/or Officers as to the other specific policies/protocols with regards to carrying out their duties, such as requesting information or decision making within the Council’s framework.

Approved by: Sandra Herbert, Head of Litigation & Corporate Law on behalf of the Interim Director of Law & Deputy Monitoring Officer.

8. HUMAN RESOURCES IMPACT

- 8.1 There are no immediate human resources impacts for Croydon Council employees or staff as a consequence of this report and its recommendations. Should there be any matters arising, these will be dealt with as appropriate under Council HR policies and procedures.
Approved by: Gillian Bevan, Head of HR- Resources.

9. EQUALITIES IMPACT

- 9.1 The Protocol seeks to ensure mutual respect and an appropriate understanding of Councillors’ and Officers’ respective roles and responsibilities.

9.2 The Protocol should be understood in the context of the Council's HR policies and procedures and the Members' Code of Conduct: these include commitments to promote equalities and not to discriminate unlawfully against any person and are the route for addressing any concerns raised under this Protocol. The delivery of training on this Protocol to Members and Officers should support understanding of its provisions, including the way in which compliance with the Protocol will support the Council to meet its duty under the Public Sector Equality Duty.

Approved by: Denise McCausland, Equalities Manager

10. ENVIRONMENTAL IMPACT

10.1 There is no environmental impact arising from this report.

11. CRIME AND DISORDER REDUCTION IMPACT

11.1 There is no crime and disorder impact arising from this report.

12. DATA PROTECTION IMPLICATIONS

12.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

No.

12.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

N/A.

Approved by: Richard Ennis, Corporate Director of Resources.

CONTACT OFFICER: Heather Wills, Governance Improvement Adviser;
heather.wills@croydon.gov.uk

APPENDICES TO THIS REPORT:

1: Draft revised Staff-Councillor Relations Protocol (tracked changes)

2: Draft revised Staff-Councillor Relations Protocol (clean)

BACKGROUND PAPERS: None

Appendix 1 – Revised draft Protocol (tracked changes)

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 5.B - Protocol on Staff – Councillor **Member** Relations

INTRODUCTION

1. **Members and staff have a common purpose: to work as one team to serve the communities of the London Borough of Croydon. This working relationship is based on** ~~The relationship between Members and staff is important to the successful working of the Authority. This relationship within Croydon Council is characterised by mutual respect and trust. To achieve this, it is essential that both~~ Members and **staff** employees feel free to speak to one another openly and honestly **and that there is a shared understanding of** ~~Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is to help Members and employees to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other.~~
2. ~~The Protocol also gives guidance on what to do on~~ **This Protocol clarifies the roles and relationships of Members and staff and sets out how they will work together. It also includes a process to follow on** the rare occasions when things go wrong.
3. The Protocol must be read and operated in the context of any relevant legislation and the:
 - **Seven Principles of Public Life (the Nolan Principles)**
 - **Members' Code of Conduct**
 - **Officer Code of Conduct**
 - **Access to Information Procedure Rules**
 - **Access to Information Protocol**
 - **Protocol for Decision Making**
 - **Whistleblowing policy** ~~and any procedure for confidential reporting.~~
4. **If any questions arise from this Protocol, advice should be sought from the Monitoring Officer. Guardians are available for staff members who wish to confidentially share and talk through an issue in the first instance.**

ROLES OF MEMBERS AND STAFF

5. The respective roles of Members and staff can be summarised as follows:

Members and staff are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts.

Staff are ~~responsible~~ **accountable, through the Chief Executive, to the Authority Council as a whole and not to any political group**. Their job is to give advice to Members and the authority, and to carry out the Council's work under the direction and control of the Council, the Executive, and relevant committees.

6. Mutual respect **and recognition of respective roles and responsibilities** between Members and staff is essential to good local government.

MEMBERS' RESPONSIBILITIES

7. Members have three main areas of responsibility: **determining the strategic policy and plans of the Council and giving it political leadership, representing the Authority externally, and acting as advocates on behalf of their constituents**. ~~It is not the role of Members to involve themselves in the day to day management of Authority services.~~ **They will also scrutinise the Council's performance, through Scrutiny and Overview Committee and Full Council.**
8. **Members will not be involved in day to day operational or managerial decisions. (Members sitting on regulatory committees will take decisions which affect the rights of individuals and businesses, for example in relation to development management and licensing matters, for which specific codes and protocols apply).**
9. **Members should not seek to give instructions to officers other than in accordance with the terms of reference of their Committee. Members are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the Council. The Mayor's scheme of delegations sets out the basis on which any executive decisions may be taken by individual Cabinet Members.**
10. **As individual Members of the Council, all Members have the same rights and obligations in their relationship with staff and should be treated equally.**
11. **Members of the Executive, Chairs and Vice Chairs**
 - (i) Members of the Executive and Chairs and Vice Chairs of Committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from and more complex than those of Members without those responsibilities and this is recognised in the expectations they are entitled to have.
 - (ii) **While there should be a close working relationship between a Cabinet member and the relevant corporate director and other senior staff,**

such relationships should never be allowed to become so close or appear to be so close, as to bring into question the abilities of staff to deal impartially with other Members, individuals or organisations.

- (iii) These Members must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything that would prejudice that impartiality or apply inappropriate pressure on officers.
- (iv) At some meetings a resolution may be passed which authorises a named Officer to take actions between meetings in consultation with a member of the Executive or Chair/ Vice Chair. In these circumstances it is the Officer, not the Member, who takes the action and is accountable for it.
- (v) The Executive Procedure Rules set out the only circumstances in which a Member may take decisions, acting individually.

12. Opposition-Ward Members

- (i) Members shall be given timely access to information that they require to carry out their role as Ward Members. Corporate Directors must ensure that all relevant staff are aware of the requirement to keep local Members informed so that Members can contribute to the decision-making process and fulfil their representative role.
- (ii) This requirement is particularly important:
 - (a) during the early stages of policy development, where practicable;
 - (b) following any specific incident in their ward;
 - (c) in relation to specific or sensitive operational matters such as significant service disruption, ongoing planning enforcement cases; proposed changes to services sited within their wards and significant anti-social behaviour issues;
 - (d) whenever any form of public consultation exercise is undertaken.
- (iii) Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the ward(s) affected will be invited to attend the meeting as a matter of course.
- (iv) When an event occurs in the borough which has or will have a significant impact on the Council and/or Croydon residents and/or businesses, the Chief Executive will ensure that the Leaders of all groups and the relevant Ward Councillors are informed as soon as possible.
- (v) Staff responsibilities for responding to member enquiries, related processes and the timescales for response are set out in the Access to Information Protocol.

13. Scrutiny and Opposition Members

- (i) ~~As individual Members of the Council, all Members have the same rights and obligations in their relationship with employees and should be treated equally. This principle of equal rights for all Members is particularly important in the context of scrutiny and overview, and staff responsibilities for ensuring that scrutiny's statutory rights to relevant information are met are set out in the Access to Information Protocol.~~
- (ii) However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between staff, particularly those at a senior level in the organisation, and the administration shall differ from that with opposition groups.

STAFF RESPONSIBILITIES

- 14. **Staff are responsible for day-to-day managerial and operational decisions.** ~~Their~~The role of staff is to give advice and information to Members and to implement the policies determined by the Council.
- 15. ~~Staff are always accountable to their line manager who sets their work priorities, and not to individual Members. While staff should always seek to assist a Member they must not exceed the bounds of authority they have been given by their managers. If a matter requires urgent attention, Members should contact the relevant Head of Service in the first instance.~~
- 16. Certain employees e.g. Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Authority and its Members which they must be allowed to discharge.

EXPECTATIONS

- 17. Members can expect from staff:
 - (i) A commitment to the Authority as a whole, and not to any political group **or individual Member;**
 - (ii) A working partnership;
 - (iii) An understanding of and support for respective roles, workloads and pressures;
 - (iv) Timely response to enquiries and complaints **in accordance with agreed standards and processes;**
 - (v) Professional advice not influenced by political views or preference, which does not compromise the political neutrality of employees;

- (vi) Regular, up to date information **and discussion** on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- (vii) Awareness of and sensitivity to the political environment **in which they are working;**
- (viii) Respect, dignity and courtesy;
- (ix) Training and development in order to carry out their role effectively;
- (x) Integrity, mutual support and appropriate confidentiality
- (xi) That staff shall not use their relationship with Members to advance their personal interests or to influence decisions improperly
- (xii) That staff shall at all times comply with the ~~relevant~~ **Officer** Code of Conduct.

18. Staff can expect from Members:

- (i) A working partnership;
- (ii) An understanding of and support for respective roles, workloads and pressures;
- (iii) **An understanding and knowledge of the local area and a willingness to share this with staff;**
- (iv) Political leadership and direction;
- (v) Respect, dignity and courtesy;
- (vi) Integrity, mutual support and appropriate confidentiality;
- (vii) Not to be subject to bullying or harassment or to be intimidated or put under undue pressure or improper influence. ~~This specifically includes any person who is involved in any complaint about any alleged breach of the Council's Member's Code of Conduct.~~ Members should have regard to the seniority of employees in determining what reasonable requests are, having regard to the power relationship between Members and **staff** employees, and the potential vulnerability of **staff** employees, particularly at junior levels. ~~(Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating,~~

~~hostile, degrading, humiliating or offensive environment for an individual.)~~

- (viii) That Members shall not use their position or relationship with ~~employees~~ **staff** to advance their personal interests or those of others or to influence decisions improperly;
- (ix) That Members shall at all times comply with the ~~relevant~~ **Member** Code of Conduct.

19. Practical implications of some of the principles set out above are shown below:

- (i) Members and staff should be courteous to each other at all times even if they disagree with their respective views. Members and staff should not shout or raise their voice in an aggressive or rude manner and should not undermine respect for each other at Council meetings or in any other forum in which they participate in their role as a Member or member of Council staff, including social media.
- (ii) In public forums, staff will not use Councillors' first names; staff will be introduced to the meeting in the first instance with reference to their job title.
- (iii) Members shall not raise matters relating to the conduct or capability of an individual member of staff or staff collectively in meetings held in public. While it is legitimate for members to express well-founded concern constructively about the way a service is run or a policy is implemented by staff, a personal attack by a Member on a member of staff or on staff generally at a formal or informal Member meeting will never be acceptable, nor will a personal attack by a member of staff on a Member. This would be damaging both to effective working relationships and to public respect for the Council. In general, staff are unable to defend themselves against criticism in a public forum. Attacking the conduct of a staff member in public can constitute bullying, as can undue pressure brought by either staff or Members in private. Chairs of meetings have a particular responsibility to ensure that personal attacks are not made by any attendee during public meetings.
- (iv) Members and staff should respect each other's non-working time. Emails may be sent outside normal working hours but responses should not be expected at such times, and phone calls should not be made. While many staff members are willing to be contacted by Members outside normal working hours (and vice versa), this step should only be taken in cases of genuine importance or urgency or by prior arrangement.
- (v) Staff have a duty to provide information, advice and recommendations to Members. Such information etc can be provided both formally and

informally but should be given formally and in writing where significant or potentially controversial issues are at stake.

- (vi) Staff must therefore be able to report to Members as they see fit and without any political pressure.
- (vii) More detail about the basis on which decisions must be taken appear in the Access to Information Procedure Rules and the Protocol on Decision Making.

RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS

- 20. Relationships with a particular individual or party groups should not be such as to create public suspicion that a member of staff favours that Member or group above others. Members of staff may be a member of a political party, but may not have an active political role or stand for elected office if they are in a politically restricted post.
- 21. Members and staff should immediately (no later than three working days from when the relationship is identified) inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles. The Monitoring Officer will maintain a record of such declarations.
- 22. It is not enough to avoid actual impropriety. Members and staff should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where a conflict of interests could be perceived. For example, a Member should not sit on a body or participate in any decision which directly affects the staff member on a personal basis.
- 23. The Officer Code of Conduct provides more detail on expected standards in concerning working relationships between staff and Members. Staff should refer to the Officer Code of Conduct and/or seek advice from the Monitoring Officer if in any doubt. Staff are also required to undertake e-learning on the Officer Code of Conduct annually.

BRIEFINGS

- 24. In order for the Mayor, Cabinet members and Committee Chairs and/or Vice Chairs to discharge their responsibilities, those Members will be briefed from time to time by Directors on service issues, proposals and policy development. Directors may, from time to time, nominate other staff members to attend these meetings. These informal meetings may be on a one-off or regular basis, in accordance with the requirements of the Members and roles concerned.
- 25. Political groups which are not represented on the Executive may also have nominated leads for particular portfolios and if those leads so request, the

relevant Director(s) will make themselves available to brief them on service issues relating to Committee papers once the agenda has been published.

26. The Mayor or Leader of any other group represented on the Council, may request the Chief Executive or relevant Corporate Director to prepare reports on matters relating to the Council for consideration by the group. Such requests must be reasonable and should not seek confidential information (eg relating to casework or personal details of applicants for services).
27. If the Corporate Director considers that the cost of providing the information requested for a group is unreasonable, or if the request is unreasonable in other respects, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Mayor or Leader of the relevant group.
28. The Mayor or Leader of any other group may ask the Chief Executive or Corporate Director to give or arrange a private and confidential briefing for the group. Senior staff members may be properly called upon to support and contribute to such deliberations by groups but must at all times maintain political neutrality. Staff requested to give such a briefing should seek advice from the Monitoring Officer before doing so.
29. Any briefing offered to or requested by a group will be offered (and described in broad terms) to any other group(s). Where possible, such briefings should be to all or a combination of groups. The detailed content of informal briefing sessions shall remain confidential between staff and the group concerned.
30. Staff advice and reports to groups will be limited to a statement of material facts relating to matters of Council business and identification of options and the merits and demerits of such options for the Council. Reports will not address any political implications and advice should not include making recommendations to a group. The observance of this distinction will be assisted if staff are not present at meetings or parts of meetings where matters of party business are to be discussed.
31. When staff provide information and advice to a group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council, Cabinet or Committee meeting when the matter in question is considered.
32. Special care needs to be exercised whenever staff are involved in providing information to a group meeting which includes persons who are not Members of the Council. Such individuals are not bound by the Member Code of Conduct (and in particular the provisions relating to declaration of interests and confidentiality) and for this and other reasons staff may decline to attend and/or give advice to such meetings.

IF WHEN THINGS GO WRONG

33. From time to time the relationship between Members and staff may break down or become strained. It shall always be preferable to resolve matters informally.

Procedure for staff

- (i) ~~From time to time the relationship between Members and staff may break down or become strained. Whilst it shall always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Member, staff shall have recourse to the Council's Monitoring Officer, as appropriate to the circumstances. The Monitoring Officer shall decide whether the matter should be referred to the Chief Executive. The Chief Executive, who, having advised the Leader of the Council and where appropriate, the appropriate Group Leader shall decide on the course of action to be taken.~~

34. Procedure for Members

- (i) In the event that a Member is dissatisfied with the conduct, behaviour or performance of a ~~member of staff~~ ~~n-employee~~, ~~the Member should consult the Group Whip and then raise~~ the matter ~~should be raised~~ with the appropriate ~~Executive~~ ~~Corporate~~ Director. Where the matter concerns an ~~Executive~~ ~~Corporate~~ Director, it should be raised with the Chief Executive. Where the matter concerns the Chief Executive it shall be raised with the Chief People Officer or with the ~~Mayor~~ ~~Leader~~ as appropriate. ~~Where there is a prima facie case for a disciplinary investigation, this will be dealt with in accordance with the Council's disciplinary procedures.~~
- (ii) ~~If a Member is concerned about the way a service or part of it is performing as opposed to the conduct of a specific officer, and if the concerns cannot be resolved through discussion with the manager of the service, the Member should raise the matter with the Chief Executive and/or request that the Mayor and/or relevant Cabinet Member consider the matter. The Member may also wish to consider referring the matter for consideration to the Scrutiny Chairs and/or to General Purposes and Audit Committee, as appropriate.~~

35. Procedure for staff

- (i) ~~From time to time the relationship between Members and staff may break down or become strained. Whilst it shall always be preferable to resolve matters informally,~~ ~~If a member of staff wishes to raise a concern about a Member's behaviour they can either escalate it to their line manager, Corporate Director or~~ ~~through conciliation by an appropriate senior manager or Member, staff shall have recourse to the Council's Monitoring Officer, as appropriate to the circumstances. The Monitoring Officer shall decide whether the matter should be referred to the Chief Executive. The Chief Executive, who, having advised the Leader of the Council and where appropriate, the appropriate Group~~

~~Leader shall decide on the course of action to be taken.~~ Officers also may use the Council's Whistleblowing Procedure.

- (ii) Having been notified of a concern in this way, the line manager, Corporate Director or Monitoring Officer will take appropriate action, including approaching the Member concerned and raising with the Group Leader and/or Whip or referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.
- (iii) Group Leaders and Whips should promote a positive atmosphere of trust, respect and understanding between Members and staff and must be prepared to deal with and seek to resolve any reported incidents of breaches of this Protocol by their Group Members. In the event of receiving a report of this nature, a Group Leader and/or Whip will actively consider the matter and seek to achieve a satisfactory outcome, reporting that outcome to the member of staff who reported the issue.

RESPONSIBILITY FOR THIS PROTOCOL

- 36. The Monitoring Officer has overall responsibility for this Protocol and will annually review how it is working.
- 37. The Monitoring Officer will report annually to the Ethics Committee on matters relating to this Protocol.

~~AMENDMENTS/ VARIATION TO THIS PROTOCOL~~

- 38. Where amendments/variation to this Protocol are necessary due to legislative changes, the Council Solicitor may make such consequential changes to this Protocol as are necessary to take such changes into account.

GLOSSARY

Administration	
Chief Officer	The Chief Executive, Corporate Directors and Directors
Executive	The Executive is made up of the Elected Mayor and between 2 and 9 Councillors (also known as the Cabinet). The Executive take strategic decisions on all of the Council's functions which are not the responsibility of any other part of the Council. The term 'Executive' may refer to the elected Mayor, to the Mayor and Cabinet acting together, individual Cabinet Members or officers taking decisions which have been delegated to them.
Guardians	The Council's programme which provides staff a safe space to confidentially share concerns about behaviour or the culture at Croydon, talk through issues and be signposted to relevant support and guidance by specially trained members of staff.
Member	Members of the Council include:

	<ul style="list-style-type: none"> • The elected Mayor • Elected Councillors • Non-voting, co-opted Members of Committees
Monitoring Officer	This officer has a specific role to ensure that the Council, its staff and Members maintain the highest standards of conduct in all they do.
Political group	<p>Members may be part of a political group on the Council if they are a member of a political party.</p> <p>If they are not a member of a political party, they can still be a member of a political group (for example, a group of Independent members) if two or more members who wish to be part of that group sign a notice saying that they wish to be treated as a political group.</p>
Statutory Chief Officers	<p>The following roles are known as statutory Chief Officers because the Council is legally required to have these posts and the roles have specific responsibilities set out in legislation:</p> <ul style="list-style-type: none"> • Chief Executive (or Head of Paid Service), • Chief Financial Officer (Section 151 Officer), • Monitoring Officer, • Director of Adult Social Services (held by the Corporate Director Adult Social Care and Health) • Director of Children’s Social Services (held by the Corporate Director Children, Young People and Education) • Director of Public Health

Appendix 2: Revised Protocol (clean)

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 5.B - Protocol on Staff – Member Relations

INTRODUCTION

1. Members and staff have a common purpose: to work as one team to serve the communities of the London Borough of Croydon. This working relationship is based on mutual respect and trust. To achieve this, it is essential that both Members and staff feel free to speak to one another openly and honestly and that there is a shared understanding of respective roles and expectations.
2. This Protocol clarifies the roles and relationships of Members and staff and sets out how they will work together. It also includes a process to follow on the rare occasions when things go wrong.
3. The Protocol must be read and operated in the context of any relevant legislation and the:
 - Seven Principles of Public Life (the Nolan Principles)
 - Members' Code of Conduct
 - Officer Code of Conduct
 - Access to Information Procedure Rules
 - Access to Information Protocol
 - Protocol for Decision Making
 - Whistleblowing policy
4. If any questions arise from this Protocol, advice should be sought from the Monitoring Officer. Guardians are available for staff members who wish to confidentially share and talk through an issue in the first instance.

ROLES OF MEMBERS AND STAFF

5. The respective roles of Members and staff can be summarised as follows:

Members and staff are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts.

Staff are accountable, through the Chief Executive, to the Council as a whole and not to any political group. Their job is to give advice to Members and the authority, and to carry out the Council's work under the direction and control of the Council, the Executive, and relevant committees.

6. Mutual respect and recognition of respective roles and responsibilities between Members and staff is essential to good local government.

MEMBERS' RESPONSIBILITIES

7. Members have three main areas of responsibility: **determining the strategic policy and plans of the Council and giving it political leadership, representing the Authority externally, and acting as advocates on behalf of their constituents.** They will also scrutinise the Council's performance, through Scrutiny and Overview Committee and Full Council.
8. Members will not be involved in day to day operational or managerial decisions. (Members sitting on regulatory committees will take decisions which affect the rights of individuals and businesses, for example in relation to development management and licensing matters, for which specific codes and protocols apply).
9. Members should not seek to give instructions to officers other than in accordance with the terms of reference of their Committee. Members are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the Council. The Mayor's scheme of delegations sets out the basis on which any executive decisions may be taken by individual Cabinet Members.
10. As individual Members of the Council, all Members have the same rights and obligations in their relationship with staff and should be treated equally.
11. Members of the Executive, Chairs and Vice Chairs
 - (i) Members of the Executive and Chairs and Vice Chairs of Committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from and more complex than those of Members without those responsibilities and this is recognised in the expectations they are entitled to have.
 - (ii) While there should be a close working relationship between a Cabinet member and the relevant corporate director and other senior staff, such relationships should never be allowed to become so close or appear to be so close, as to bring into question the abilities of staff to deal impartially with other Members, individuals or organisations.
 - (iii) These Members must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything that would prejudice that impartiality or apply inappropriate pressure on officers.
 - (iv) At some meetings a resolution may be passed which authorises a named Officer to take actions between meetings in consultation with a member of the Executive or Chair/ Vice Chair. In these circumstances

it is the Officer, not the Member, who takes the action and is accountable for it.

- (v) The Executive Procedure Rules set out the only circumstances in which a Member may take decisions, acting individually.

12. Ward Members

- (i) Members shall be given timely access to information that they require to carry out their role as Ward Members. Corporate Directors must ensure that all relevant staff are aware of the requirement to keep local Members informed so that Members can contribute to the decision-making process and fulfil their representative role.
- (ii) This requirement is particularly important:
 - (a) during the early stages of policy development, where practicable;
 - (b) following any specific incident in their ward;
 - (c) in relation to specific or sensitive operational matters such as significant service disruption, ongoing planning enforcement cases; proposed changes to services sited within their wards and significant anti-social behaviour issues;
 - (d) whenever any form of public consultation exercise is undertaken.
- (iii) Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the ward(s) affected will be invited to attend the meeting as a matter of course.
- (iv) When an event occurs in the borough which has or will have a significant impact on the Council and/or Croydon residents and/or businesses, the Chief Executive will ensure that the Leaders of all groups and the relevant Ward Councillors are informed as soon as possible.
- (v) Staff responsibilities for responding to member enquiries, related processes and the timescales for response are set out in the Access to Information Protocol.

13. Scrutiny and Opposition Members

- (i) The principle of equal rights for all Members is particularly important in the context of scrutiny and overview, and staff responsibilities for ensuring that scrutiny's statutory rights to relevant information are met are set out in the Access to Information Protocol.
- (ii) However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between staff, particularly those at a senior level in the organisation, and the administration shall differ from that with opposition groups.

STAFF RESPONSIBILITIES

14. **Staff are responsible for day-to-day managerial and operational decisions.** Their role is to give advice and information to Members and to implement the policies determined by the Council.
15. Staff are always accountable to their line manager who sets their work priorities, and not to individual Members. While staff should always seek to assist a Member they must not exceed the bounds of authority they have been given by their managers. If a matter requires urgent attention, Members should contact the relevant Head of Service in the first instance.
16. Certain employees e.g. Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Authority and its Members which they must be allowed to discharge.

EXPECTATIONS

17. Members can expect from staff:
 - (i) A commitment to the Authority as a whole, and not to any political group or individual Member;
 - (ii) A working partnership;
 - (iii) An understanding of and support for respective roles, workloads and pressures;
 - (iv) Timely response to enquiries and complaints in accordance with agreed standards and processes;
 - (v) Professional advice not influenced by political views or preference, which does not compromise the political neutrality of employees;
 - (vi) Regular, up to date information and discussion on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
 - (vii) Awareness of and sensitivity to the political environment in which they are working;
 - (viii) Respect, dignity and courtesy;
 - (ix) Training and development in order to carry out their role effectively;
 - (x) Integrity, mutual support and appropriate confidentiality;

- (xi) That staff shall not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- (xii) That staff shall at all times comply with the Officer Code of Conduct.

18. Staff can expect from Members:

- (i) A working partnership;
- (ii) An understanding of and support for respective roles, workloads and pressures;
- (iii) An understanding and knowledge of the local area and a willingness to share this with staff;
- (iv) Political leadership and direction;
- (v) Respect, dignity and courtesy;
- (vi) Integrity, mutual support and appropriate confidentiality;
- (vii) Not to be subject to bullying or harassment or to be intimidated or put under undue pressure or improper influence. Members should have regard to the seniority of employees in determining what reasonable requests are, having regard to the power relationship between Members and staff, and the potential vulnerability of staff, particularly at junior levels.
- (viii) That Members shall not use their position or relationship with staff to advance their personal interests or those of others or to influence decisions improperly;
- (ix) That Members shall at all times comply with the Member Code of Conduct.

19. Practical implications of some of the principles set out above are shown below:

- (i) Members and staff should be courteous to each other at all times even if they disagree with their respective views. Members and staff should not shout or raise their voice in an aggressive or rude manner and should not undermine respect for each other at Council meetings or in any other forum in which they participate in their role as a Member or member of Council staff, including social media.
- (ii) In public forums, staff will not use Councillors' first names; staff will be introduced to the meeting in the first instance with reference to their job title.

- (iii) Members shall not raise matters relating to the conduct or capability of an individual member of staff or staff collectively in meetings held in public. While it is legitimate for members to express well-founded concern constructively about the way a service is run or a policy is implemented by staff, a personal attack by a Member on a member of staff or on staff generally at a formal or informal Member meeting will never be acceptable, nor will a personal attack by a member of staff on a Member. This would be damaging both to effective working relationships and to public respect for the Council. In general, staff are unable to defend themselves against criticism in a public forum. Attacking the conduct of a staff member in public can constitute bullying, as can undue pressure brought by either staff or Members in private. Chairs of meetings have a particular responsibility to ensure that personal attacks are not made by any attendee during public meetings.
- (iv) Members and staff should respect each other's non-working time. Emails may be sent outside normal working hours but responses should not be expected at such times, and phone calls should not be made. While many staff members are willing to be contacted by Members outside normal working hours (and vice versa), this step should only be taken in cases of genuine importance or urgency or by prior arrangement.
- (v) Staff have a duty to provide information, advice and recommendations to Members. Such information etc can be provided both formally and informally but should be given formally and in writing where significant or potentially controversial issues are at stake.
- (vi) Staff must therefore be able to report to Members as they see fit and without any political pressure.
- (vii) More detail about the basis on which decisions must be taken appear in the Access to Information Procedure Rules and the Protocol on Decision Making.

RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS

- 20. Relationships with a particular individual or party groups should not be such as to create public suspicion that a member of staff favours that Member or group above others. Members of staff may be a member of a political party but may not have an active political role or stand for elected office if they are in a politically restricted post.
- 21. Members and staff should immediately (no later than three working days from when the relationship is identified) inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles. The Monitoring Officer will maintain a record of such declarations.

22. It is not enough to avoid actual impropriety. Members and staff should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where a conflict of interests could be perceived. For example, a Member should not sit on a body or participate in any decision which directly affects the staff member on a personal basis.
23. The Officer Code of Conduct provides more detail on expected standards in concerning working relationships between staff and Members. Staff should refer to the Officer Code of Conduct and/or seek advice from the Monitoring Officer if in any doubt. Staff are also required to undertake e-learning on the Officer Code of Conduct annually.

BRIEFINGS

24. In order for the Mayor, Cabinet members and Committee Chairs and/or Vice Chairs to discharge their responsibilities, those Members will be briefed from time to time by Directors on service issues, proposals and policy development. Directors may, from time to time, nominate other staff members to attend these meetings. These informal meetings may be on a one-off or regular basis, in accordance with the requirements of the Members and roles concerned.
25. Political groups which are not represented on the Executive may also have nominated leads for particular portfolios and if those leads so request, the relevant Director(s) will make themselves available to brief them on service issues relating to Committee papers once the agenda has been published.
26. The Mayor or Leader of any other group represented on the Council, may request the Chief Executive or relevant Corporate Director to prepare reports on matters relating to the Council for consideration by the group. Such requests must be reasonable and should not seek confidential information (eg relating to casework or personal details of applicants for services).
27. If the Corporate Director considers that the cost of providing the information requested for a group is unreasonable, or if the request is unreasonable in other respects, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Mayor or Leader of the relevant group.
28. The Mayor or Leader of any other group may ask the Chief Executive or Corporate Director to give or arrange a private and confidential briefing for the group. Senior staff members may be properly called upon to support and contribute to such deliberations by groups but must at all times maintain political neutrality. Staff requested to give such a briefing should seek advice from the Monitoring Officer before doing so.
29. Any briefing offered to or requested by a group will be offered (and described in broad terms) to any other group(s). Where possible, such briefings should

be to all or a combination of groups. The detailed content of informal briefing sessions shall remain confidential between staff and the group concerned.

30. Staff advice and reports to groups will be limited to a statement of material facts relating to matters of Council business and identification of options and the merits and demerits of such options for the Council. Reports will not address any political implications and advice should not include making recommendations to a group. The observance of this distinction will be assisted if staff are not present at meetings or parts of meetings where matters of party business are to be discussed.
31. When staff provide information and advice to a group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council, Cabinet or Committee meeting when the matter in question is considered.
32. Special care needs to be exercised whenever staff are involved in providing information to a group meeting which includes persons who are not Members of the Council. Such individuals are not bound by the Member Code of Conduct (and in particular the provisions relating to declaration of interests and confidentiality) and for this and other reasons staff may decline to attend and/or give advice to such meetings.

IF THINGS GO WRONG

33. From time to time the relationship between Members and staff may break down or become strained. It shall always be preferable to resolve matters informally.
34. Procedure for Members
 - (i) In the event that a Member is dissatisfied with the conduct, behaviour or performance of a member of staff, the Member should consult the Group Whip and then raise the matter with the appropriate Corporate Director. Where the matter concerns a Corporate Director, it should be raised with the Chief Executive. Where the matter concerns the Chief Executive it shall be raised with the Chief People Officer or with the Mayor as appropriate. Where there is a prima facie case for a disciplinary investigation, this will be dealt with in accordance with the Council's disciplinary procedures.
 - (ii) If a Member is concerned about the way a service or part of it is performing as opposed to the conduct of a specific officer, and if the concerns cannot be resolved through discussion with the manager of the service, the Member should raise the matter with the Chief Executive and/or request that the Mayor and/or relevant Cabinet Member consider the matter. The Member may also wish to consider referring the matter for consideration to the Scrutiny Chairs and/or to General Purposes and Audit Committee, as appropriate.

35. Procedure for staff

- (i) If a member of staff wishes to raise a concern about a Member's behaviour they can either escalate it to their line manager, Corporate Director or to the Council's Monitoring Officer, as appropriate to the circumstances. Officers also may use the Council's Whistleblowing Procedure.
- (ii) Having been notified of a concern in this way, the line manager, Corporate Director or Monitoring Officer will take appropriate action, including approaching the Member concerned and raising with the Group Leader and/or Whip or referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.
- (iii) Group Leaders and Whips should promote a positive atmosphere of trust, respect and understanding between Members and staff and must be prepared to deal with and seek to resolve any reported incidents of breaches of this Protocol by their Group Members. In the event of receiving a report of this nature, a Group Leader and/or Whip will actively consider the matter and seek to achieve a satisfactory outcome, reporting that outcome to the member of staff who reported the issue.

RESPONSIBILITY FOR THIS PROTOCOL

- 36. The Monitoring Officer has overall responsibility for this Protocol and will annually review how it is working.
- 37. The Monitoring Officer will report annually to the Ethics Committee on matters relating to this Protocol.
- 38. Where amendments/variation to this Protocol are necessary due to legislative changes, the Council Solicitor may make such consequential changes to this Protocol as are necessary to take such changes into account.

GLOSSARY

Chief Officer	The Chief Executive, Corporate Directors and Directors
Executive	The Executive is made up of the Elected Mayor and between 2 and 9 Councillors (also known as the Cabinet). The Executive take strategic decisions on all of the Council's functions which are not the responsibility of any other part of the Council. The term 'Executive' may refer to the elected Mayor, to the Mayor and Cabinet acting together, individual Cabinet Members or officers taking decisions which have been delegated to them.
Guardians	The Council's programme which provides staff a safe space to confidentially share concerns about behaviour or the culture at Croydon, talk through issues and be signposted to

	relevant support and guidance by specially trained members of staff.
Member	Members of the Council include: <ul style="list-style-type: none"> • The elected Mayor • Elected Councillors • Non-voting, co-opted Members of Committees
Monitoring Officer	This officer has a specific role to ensure that the Council, its staff and Members maintain the highest standards of conduct in all they do.
Political group	Members may be part of a political group on the Council if they are a member of a political party. If they are not a member of a political party, they can still be a member of a political group (for example, a group of Independent members) if two or more members who wish to be part of that group sign a notice saying that they wish to be treated as a political group.
Statutory Chief Officers	The following roles are known as statutory Chief Officers because the Council is legally required to have these posts and the roles have specific responsibilities set out in legislation: <ul style="list-style-type: none"> • Chief Executive (or Head of Paid Service), • Chief Financial Officer (Section 151 Officer), • Monitoring Officer, • Director of Adult Social Services (held by the Corporate Director Adult Social Care and Health) • Director of Children’s Social Services (held by the Corporate Director Children, Young People and Education) • Director of Public Health

Agenda Item 7

REPORT TO:	Members' Learning and Development Panel 27 January 2022 Ethics Committee 9 February 2022
SUBJECT:	Members' Induction Plan
LEAD OFFICER:	John Jones Monitoring Officer (interim)
BRIEF FOR THE PANEL: The Panel is asked to: <ol style="list-style-type: none">1. Note that this report will also be received by Ethics Committee on 9 February 2022;2. Note progress in developing a detailed Induction programme for May 2022 and provide comments to inform its further development;3. Note that implementation of the programme is dependent on the identification of appropriate resources for the Democratic Services team;4. Promote engagement within their Groups with the activities listed in the programme.	

1. MEMBER INDUCTION PROGRAMME 2021-22

- 1.1 Induction is an essential part of learning and development, and as the Council's elections are all-out every four years, this is a crucial point in the cycle to ensure that Members are equipped to deliver their roles. In 2022 it is anticipated that there will be a higher than normal turnover of Members, and so this programme will be more important than ever. Appendix 1 attached to this cover report lists the latest draft of the Member Induction programme for 2022.
- 1.2 The design of the programme has been informed by:
 - the Report in the Public Interest
 - the Scrutiny Improvement Review
 - good practice in other authorities.
- 1.3 While there will be some key details to be imparted to new Members, some elements of the programme have been identified as essential for all Members. This is because:
 - some elements of training (such as roles and responsibilities) have been recommended for all Members in the Report in the Public Interest;
 - some topics include updated content and all Members should receive a refresher at least every four years;
 - the attendance of Members with more experience can enable richer discussions at development sessions and the building of networks and understanding between Members.Attendance at events across the programme by all Members is therefore encouraged.

1.4 The programme contains a number of elements:

- i) A programme of events and activities for members which includes a combination of:
 - essential activities for all members
 - essential activities for new members
 - sessions of interest to all members
 - essential sessions for members of particular committees
- ii) A programme of 'buddying' whereby new members will be linked to directors in the Council to be a point of contact to answer questions about the way the Council works and support Members to use appropriate processes to resolve casework issues, consider actions appropriate to their roles as set out in the Members handbook and identify further areas for learning and development.

Groups are also encouraged to put in place their own buddying arrangements.

- iii) Targeted support for the Mayor, members of the Cabinet and Committee Chairs, for example mentoring by councillor peers with relevant expertise elsewhere in the country, facilitated by the Local Government Association (LGA) and attendance at LGA leadership development courses;
- iv) Opportunities for engagement with events offered beyond the borough which will support Members (particularly Chairs, Vice Chairs and Cabinet Members) to develop their networks and understanding of good practice. Further opportunities will be promoted to Members as they arise;
- v) Access to e-learning via the Learning Pool on the Intranet, including access to Local Government Association (LGA) workbooks and e-learning designed for Councillors;
- vi) All members will also be encouraged to refer to the Members Handbook, which will be fully updated, and will contain significant information to support them to navigate their way around the Council and their role.

1.5 The programme has been designed so that:

- i) all candidates will be advised of key dates in advance of the election, setting a clear expectation of attendance;
- ii) the Mayor will be asked to attend induction events alongside other Members, and key dates will be included within their personal schedule;
- iii) mandatory training for Members of regulatory committees will take place prior to the first meeting of each committee;
- iv) sessions targeted to all Members will be offered twice, at lunchtime and evenings;
- v) the induction day will emphasise the importance of continuing learning and development for all Members. It will also include input from a Councillor from the previous cohort, sharing what they wish they'd known at the start of their term of office, and practical guidance on dealing with casework.

1.6 As previously discussed with the Panel, attendance at induction events will be

registered, reported to Group whips and the Panel, and reported at each Member's page on the website.

- 1.7 It is planned to review progress in delivery of the induction programme and consider any adjustments required in August and November 2022, reporting back to the Panel in September and December.

2 IT EQUIPMENT AND SUPPORT FOR MEMBERS

- 2.1 Work is underway to consider options for IT equipment and support for Members from May 2022 onwards: a verbal update will be given to the meeting.

3 FINANCIAL IMPLICATIONS

- 3.1 There is a budget of £21,000 set aside for Member training. It is expected that the majority, if not all of the training listed in the programme at Appendix 1 can be delivered at no cost to the Council, through the support of the Local Government Association.
- 3.2 At present, the Democratic Services team is prioritising support to formal decision-making meetings due to limited resources. A peer review of the service has been carried out by the Local Government Association, due to report in late January 2022. The review has been asked to consider what staffing resources are required and how they should be organised, both at present and looking ahead to the introduction of the Mayoral model of governance.
- 3.3 On receipt of the peer review report, officers will consider the current team structure in light of its findings and prepare a proposal for consideration as part of the budget setting process in February/ March 2022. It will not be possible to support implementation of this plan unless sufficient resources are identified.

CONTACT OFFICER: Heather Wills, Governance Improvement Adviser;
heather.wills@croydon.gov.uk

APPENDICES TO THIS REPORT:

- 1: **Member induction plan, 2022**

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LB Croydon: Members' induction programme 2022

A. All-member programme

Bold italics – Essential for all Members

Bold – Essential for specified Members

Date	Event	Audience	Delivered by
12.4.22	Pack sent to all mayoral and councillor candidates, including: <ul style="list-style-type: none"> • Induction programme and notification of key dates on which attendance is required • Member Code of Conduct (also highlighting the requirement to attend essential training) 	<i>All candidates</i>	Chief Executive
5 – 6.5.22	Election night <ul style="list-style-type: none"> • Signature of acceptance of office • Members' handbook 	<i>All members</i>	Democratic Services
10.5.22	Members Induction Day (at Town Hall)	<i>All members</i>	See below
11 – 18.5.22	1:1 induction sessions <ul style="list-style-type: none"> • <i>Signature of declarations of interest (and advice)</i> • <i>Gifts & hospitality: introduction to process for registering</i> • <i>Allowances and expenses set-up</i> • <i>ID cards</i> • <i>Parking permits (inc tax guidance)</i> • <i>Council phone & Office 365 account</i> • <i>Access to meeting papers online</i> 	<i>All members</i>	Democratic Services/ Monitoring Officers Facilities Management CDS
12.5.22 Repeated lunch & eve	Members' Code of Conduct	<i>All members</i>	Monitoring Officer & Local Government Association (LGA)

Date	Event	Audience	Delivered by
16.5.22 (lunch) & 24.5.22 (eve)	Members and officers' respective roles and responsibilities	All members	Monitoring Officer & LGA
18.5.22 Repeated lunch & eve	Members' Code of Conduct	All members	Monitoring Officer & LGA
19.5.22	Chairs' training	Committee chairs & vice chairs	Association of Democratic Services Officers
23.5.22	Annual Council		
16.5.22 (eve) & 24.5.22 (lunch)	Planning Committee training	Planning Committee members	Planning officers and Planning Advisory Service
25.5.22 (eve) & 1.6.22 (lunch)	Holding the Executive to account <ul style="list-style-type: none"> • <i>Executive and non-executive functions</i> • <i>What scrutiny is and isn't</i> • <i>Scrutiny's statutory rights</i> • <i>How scrutiny can make a difference</i> • <i>Scrutiny under a mayoral model of governance</i> • <i>The role of full Council and Call-in</i> • <i>The role of Audit</i> 	All members	Centre for Governance and Scrutiny (CfGS)
26.5.22	Licensing Committee training	Licensing Committee members	Officers
31.05.22 (eve) & 10.6.22 (lunch)	Scrutiny Committee training: <ul style="list-style-type: none"> • <i>Scrutiny's role and responsibilities</i> • <i>Different types of scrutiny</i> • <i>Prioritisation and work planning</i> • <i>Preparing for scrutiny meetings</i> 	Scrutiny Committee (& sub) members	CfGS

Date	Event	Audience	Delivered by
	<ul style="list-style-type: none"> • <i>Understanding different types of service performance and budget data and information</i> 		
1.6.22	General Purposes and Audit Committee <ul style="list-style-type: none"> • <i>Responsibilities of Audit Committee and its members</i> • <i>Legal framework</i> • <i>Key relationships</i> • <i>The external auditor's responsibilities and working practices</i> • <i>Skills and attributes for Audit Committee Members</i> • <i>Challenge and escalation</i> • <i>What does good look like?</i> 	Audit Committee members	LGA
2.6.22	Pensions Committee training	Pensions Committee members	Corporate Director Resources
June	Ethics Committee training <ul style="list-style-type: none"> • <i>Standards of conduct – the national context</i> • <i>Members' Code of Conduct and guidance</i> • <i>Arrangements for investigating/ hearing complaints on member conduct</i> • <i>Role of the Committee in promoting high standards of conduct</i> 	Ethics Committee members	Monitoring Officer
June (prior to July Council) Delivered twice	Understanding the Council Procedure Rules	All members	Monitoring Officer
June	Leading Croydon: effective working relationships between the Mayor and Council Members <i>Format/ scope/ approach to be agreed with the Mayor – could be a briefing and Q&A or an interactive workshop to seek to build relationships. LGA could support with facilitation/ input from peers from other relevant councils</i>	All members	TBC

Date	Event	Audience	Delivered by
June Delivered twice	Personal safety, health and wellbeing support, personal resilience <i>(Use LGA workbook)</i>	All members	Head of Security/ Head of HR
June Delivered twice	Introduction to local government finance and risk <ul style="list-style-type: none"> • <i>Understanding funding sources</i> • <i>Statutory service budgets (inc adult and children's social care)</i> • <i>The budget setting cycle</i> • <i>Budget monitoring- how to read a monitoring report</i> • <i>Transformation funding</i> • <i>Role and purpose of reserves</i> • <i>Risk management – councillors' role</i> • <i>Treasury management & capital strategies – councillors' role</i> 	All members	Corporate Director Resources/ Corporate Director Adult Social Care & Health/ Corporate Director Children, Young People & Education/ LGA
June Date TBC	Networking reception for all (new) Councillors in London at the Guildhall	All members	London Councils
5.30pm- [July Council meeting]	How's it going so far? <i>Drop-in session for Members to raise queries, give feedback on support to date, identify further training needs</i>	All members	Democratic Services
July Delivered twice	Understanding your communities: <ul style="list-style-type: none"> • How to understand and meet the needs of the many different communities in your ward • The Public Sector Equality Duty: Councillors' role and responsibilities • Understanding the impacts of the decisions (for Council, scrutiny, Cabinet) • Unconscious bias 	All Members	LGA
July	Anti-fraud and whistleblowing	All members	Head of Anti Fraud and Risk

Date	Event	Audience	Delivered by
Delivered twice			
July Delivered twice	Children's safeguarding	All members	Director of Children's Social Care / Health/ Police
July Delivered twice	Adult safeguarding	All members	Director of Adult Social Care Operations/ Health/ Police
July	Scrutiny of the Croydon Renewal Programme	Scrutiny Committee (& sub) members	CfGS
September Delivered twice	Corporate Parenting	All members	Director of Children's Social Care
September Delivered twice	Being an effective ward councillor/ handling casework	All members	LGA
September Delivered twice	Effective questioning for scrutiny	Scrutiny Committee (& sub) members	CfGS
September	Audit and scrutiny: understanding their respective roles and areas for collaboration	GPAC & Scrutiny Committee (& sub) members	CfGS

Date	Event	Audience	Delivered by
September Delivered twice	Effective use of social media	All members	LGA
September – November TBC	Series of webinars on policy issues affecting London Boroughs	All members	London Councils
October Delivered twice	Understanding public health and health inequalities	All members	Director of Public Health
October Delivered twice	Working with our partners: crime and disorder <ul style="list-style-type: none"> • <i>Overview of crime issues</i> • <i>What our services do and how members can interact with them</i> • <i>Practical advice for issues arising from casework</i> 	All members	Director of Culture & Community Safety/ Police
October Delivered twice	Working with our partners: health	All members	Corporate Director Adult Social Care and Health/ NHS
October	Conducting effective budget scrutiny: <ul style="list-style-type: none"> • Understanding the budget setting process and timeline • Key questions to ask • Preparing for budget scrutiny 	Scrutiny Committee (& sub) members	CfGS
November	Budget setting <ul style="list-style-type: none"> • Refresh of principles introduced in July • Preparation for budget setting 	All members	Relevant LBC officers
November	Commissioning and procurement process	All members	Relevant LBC officer

Members' Induction Day - Tuesday 10 May 2022

Croydon Town Hall

9.15	Refreshments available	
10.00	Welcome	Mayor & Chief Executive
	<p>Croydon's improvement journey</p> <ul style="list-style-type: none"> • <i>Key learning to date</i> • <i>Further improvement work ongoing (including culture)</i> • <i>External assessment and reporting</i> • <i>How we will work in partnership with other agencies</i> 	Chief Executive
	<p>Corporate Management Team – a brief introduction</p> <ul style="list-style-type: none"> • <i>Promotion of lunchtime 'marketplace'</i> • <i>DCS to introduce corporate parenting/ safeguarding</i> • <i>DCS/ DASS to stress importance of engagement with training on safeguarding</i> • <i>Key partners that the Council works with</i> • <i>Members bulletin</i> 	CMT
10.45	<p>Reflections from a new councillor in 2018 –</p> <ul style="list-style-type: none"> • <i>The ward councillor's role</i> • <i>'What I wish I'd known then'</i> 	TBC
11.05	<i>Comfort break / move to workshops/ coffee etc available</i>	
11.10	Workshops* – cycle 1	
11.55	<i>Move between workshops/ coffee etc available</i>	
12.00	Workshops* – cycle 2	
12.45	<p>Lunch</p> <p><i>Attendees:</i></p> <ul style="list-style-type: none"> • <i>Visit 'marketplace'- stalls for directorates to demonstrate what the council does and how it is structured</i> • <i>Visit photographer for official photographs</i> • <i>Schedule 1:1 induction sessions</i> 	
1.45	Workshops* – cycle 3	
2.30	<i>Move between workshops/ coffee etc available</i>	
2.35	Workshops* – cycle 4	

3.20	Plenary <ul style="list-style-type: none"> • Q&A • Closing remarks 	Mayor & Chief Executive
4.00	Close	

*Members Induction Day workshops

Members to be assigned to one of 4 groups, ensuring a mix of new/ old councillors and different political parties in each

	Workshop	Who
1	Effective governance <ul style="list-style-type: none"> • <i>Roles and responsibilities of Council, Mayor/ Cabinet, Audit, Scrutiny, statutory officers (inc Head of Paid Service)</i> • <i>Principles of sound decision making, duties and powers</i> • <i>What's new in the Mayoral model</i> • <i>Councillor conduct – introduction (inc Nolan Principles & Member code)</i> • <i>Expectations and resources relating to Member learning & development</i> • <i>Members' handbook – introduction</i> • <i>Data protection</i> 	Chief Executive Monitoring Officer & deputies, Democratic Services, Data Protection Officer
2	Local government finance <ul style="list-style-type: none"> • <i>How local government is financed</i> • <i>Members' roles in relation to finance (including Council, scrutiny, Audit)</i> • <i>Role of internal/ external audit, vfm judgements</i> • <i>National context</i> • <i>Croydon's finances</i> 	Corporate Director Resources
3	Communications <ul style="list-style-type: none"> • <i>Protocols</i> • <i>Use of social media</i> • <i>Keeping safe online</i> 	Director of Policy and Partnerships Head of Communications
4	Managing casework <ul style="list-style-type: none"> • <i>Understanding what the Council does and doesn't do</i> • <i>Members' enquiries system</i> • <i>Trailer for 'being an effective ward councillor' training</i> • <i>How to make a planning referral</i> 	Assistant Chief Executive Head of Resident Contact/ Head of Development Management

B. Buddying

Each Group will be encouraged to put in place buddying arrangements to link new Members with more experienced colleagues.

Officer 'buddies' will be identified at director level, each director to link to 1 or 2 new Members to:

- Be a point of contact to answer queries about the way the Council works
- Support the Members to use appropriate processes to engage with the Council to resolve casework issues and consider techniques to deal with casework effectively
- Encourage Members to focus on actions appropriate to their roles as set out in the Members handbook
- Identify any areas for further learning and development.

This approach will also have the benefit of:

- Building trust and understanding between Members and officers
- Supporting directors' own understanding of Member perspectives and priorities.

C. Specialist/ bespoke training

Mayor

1. Attends all essential member training
2. [Leadership Academy](#) or potentially [Leader's Programme](#), depending on the individual
3. Mentoring from an experienced local authority Mayor
4. Detailed briefings on:
 - Local government finance
 - Governance- including difference between political and managerial spaces
 - Governance of key local and regional partnerships and partners – health, police etc
 - Role of the Head of Paid Service
 - Local authority recruitment and associated legislation/ policy
 - Roles and briefs of each portfolio/ directorate

Cabinet (to be reviewed in light of election outcome)

1. Briefing pack with key information, followed up with 1:1 briefings from Corporate Directors
2. [Leadership Essentials](#) as applicable to each Portfolio Holder
3. Mentoring from peers with relevant experience (TBC depending on individual needs)
4. Children's and Adults Portfolio Holders: additional support from LGA Children's/ Care and Health Improvement Advisers
5. Local government finance for Cabinet members (including briefing on tender & contract regulations)
6. Setting a budget with a focus on outcomes for residents
7. Risk management for Cabinet members
8. Ways of working with directors

Committee Chairs and Vice Chairs

1. Attendance at relevant [Leadership Essentials](#) courses (Audit, Scrutiny, Health and Wellbeing, Licensing, Planning)
2. Mentoring from peers with relevant experience (TBC depending on individual needs)

[Top team development](#) – at least 2 half day ‘awaydays’ in June/ July, facilitated by LGA with member peer, planning delivery of manifesto and ways of working together:

1. Mayor and Cabinet
2. Mayor, Cabinet and CMT

Agenda Item 8

REPORT TO:	ETHICS COMMITTEE 9 February 2022
SUBJECT:	ETHICS COMMITTEE: WORK PROGRAMME
LEAD OFFICER:	John Jones Monitoring Officer
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON: Consideration of the future work programme enables the smooth and efficient running of the Committee in accordance with the Council's value for money requirements.	
FINANCIAL IMPACT: The implementation of the recommendations contained in this report shall be contained within existing budgets.	
1. RECOMMENDATIONS: 1.1. To consider what should be added to the draft Work Programme that will be agreed and approved at the first meeting of the Committee following Annual Council.	

2. EXECUTIVE SUMMARY

- 2.1. The table sets out the Ethics Committee Work Programme for 2022/23. The Work Programme will be considered at every meeting of the Committee to enable it to respond to issues of concern and incorporate any additional items.
- 2.2. The Monitoring Officer will give a verbal update to the Committee at the start of the report introduction to advise the Committee on matters for consideration.

3. DETAIL

Meeting date	Standing item(s)	Other item(s)
TBC	Members' dispensations Complaint Monitoring and Associated Matters Work programme	Register of Gifts and Hospitalities Annual Report DPIs (Annual) Member Attendance Statistics (Annual)

4. **CONSULTATION**

- 4.1. The Work Programme is subject to consultation with Members of the Ethics Committee.

5. **FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 5.1. The implementation of the recommendations contained in this report shall be contained within existing budgets.

6. **LEGAL CONSIDERATIONS**

- 6.1. There are no direct legal consequences arising from the contents of this report.

7. **HUMAN RESOURCES IMPACT**

- 7.1. There are no direct Human Resources consequences arising from the contents of this report.

8. **EQUALITIES IMPACT**

- 8.1. There are no direct equalities impact consequences arising from the contents of this report.

CONTACT OFFICER:	Sarah Keeble Democratic Services Officer Council & Regulatory
APPENDICES TO THIS REPORT:	None
BACKGROUND DOCUMENTS:	None