SECTION 21

21. CODE OF CONDUCT FOR QUALIFYING EMPLOYEES OF THE COUNCIL

21.1 General Principles

The public is entitled to expect the highest standards of conduct from all qualifying employees[35] of relevant authorities[36]. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

21.2 Accountability

Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

21.3 Political Neutrality

Qualifying employees of relevant authorities, whether or not politically restricted[37], must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

21.4 Relations with Members, the Public and Other Employees

21.4.1 Mutual respect between qualifying employees and Members is essential to good local government, and working relationships should be kept on a professional basis.

21.4.2 Qualifying employees of relevant authorities should deal with the public, Members and other employees sympathetically, efficiently, and without bias.

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[35] Employees of relevant authorities in Wales who do not fall within any description of employee specified in the Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001 (SI 2001/(W)) are qualifying employees.

[36] A relevant authority, in relation to Wales, means a county, county borough or community council, a fire authority constituted by a combination scheme under the Fire Services Act 1947 or a National Park authority established under section 63 of the Environment Act 1995.

[37] A qualifying employee who holds a politically restricted post is disqualified from becoming or remaining a member of a relevant authority (see section 1 of the Local Government and Housing Act 1989 (as amended by Schedule 5 to the Local Government and Elections (Wales) Act 2021) and the Local Government Officers (Political Restrictions) Regulations 1990 (SI 1990/851) as amended by the Local Government Officers (Political Restrictions) (Wales) (Amendment) Regulations 1999 (SI 1999/1665)).

21.5 **Equality**

Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

21.6 **Stewardship**

Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

21.7 **Personal Interests**

Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must com ply with:

21.7.1 any rules of their relevant authority on the registration and declaration by employees of financial and non-financial interests;

21.7.2 any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

21.8 **Whistleblowing**

In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the Authority's confidential reporting procedure, or any other procedure designed for this purpose (See **Section 24**).

21.9 **Treatment of Information**

Openness in the dissemination of information and decision-making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

21.10 **Appointment of Staff**

Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

21.11 **Investigations by Monitoring Officer**

Where the Monitoring Officer is undertaking an investigation in accordance with regulations made under Section 73(1) of the Local Government Act 2000[38] a qualifying employee must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

[38] The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (SI 2001/2281 (W171)).