

# The Local Government Boundary Commission for England

## Code of Conduct for Commissioners, Staff, Consultants, Contractors, and Agency Workers

### Document status

<b>Abstract</b>	This document outlines LGBCE's standard of conduct applicable to all Commissioners, Staff, Consultants, Contractors and/or agency workers.
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### Related documents

<b>Related legislation</b>	Local Democracy, Economic Development, and Construction Act 2009
<b>Related policies/procedures</b>	<a href="#">The Nolan Principles (The 7 principles of public life)</a> Corporate Governance Framework Anti-Fraud Policy

### Document revision

Version	Date	Revised by	Purpose of issue	Summary of changes
V2.0	07.02.2017	Carissa Edwards	Revision of 2013 Document	Updated document for standardisation, grammar and punctuation and to reflect recent Business Team restructure.
V2.1	24/04/2017	Lynn Ingram	Further draft	Simplified following Feb 2017 ARC meeting
V3.0	18/10/2017	K Cleverly	Final version for circulation	Added changes suggested by Audit & Risk Committee on 16/05/2017

**Document distribution / approval**

<b>Name</b>	<b>Title</b>	<b>Date</b>	<b>Purpose</b>
Lynn Ingram	Director of Finance	08.02.2017	For comment
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### 1 Background

The Commission is an independent body set up under the Local Democracy, Economic Development, and Construction Act 2009. Commissioners, and the Commission as a body, are accountable to Parliament. Within the Commission, Commissioners are accountable to

the Chair. Staff and consultants, contractors or agency workers are responsible, in the first instance, to their line manager or hiring manager and, ultimately, to the Chief Executive. The Chief Executive is accountable to the Commission.

The Commission sets out to maintain the highest standards of probity, integrity, honesty, impartiality, objectivity and professionalism, in line with the Nolan principles of public life. Its work in determining local electoral arrangements requires it to take care to avoid any taint of political or other bias.

Accordingly, the Commission requires everyone associated with it in its work – whether Commissioners, staff, consultants, or contractors – to act in a way which meets these standards, and which will safeguard its reputation and preserve confidence in the integrity of its decision-making. This code elaborates what is expected.

## 2 **General Expectations**

- You should conduct yourself in accordance with the ‘Nolan’ principles of public life. You must not use your position to accept or attempt to obtain any payment or other consideration (for yourself, your family, or friends or associates) that might be seen to compromise your personal judgment and integrity; nor must you do anything which may be seen to show favour, or disfavour, to any person or organisation. You should also be conscious of your obligations to keep and treat information obtained during your work with care, and not to divulge confidential information.
- Commissioners are appointed for their skills and experience, which will often include activities which have a bearing on the Commission’s work, or be in related fields or organisations. It would be perverse to exclude the benefit this can bring. On the other hand, it is important to exclude and be seen to exclude any special knowledge or interest, which would not be openly tested in the way other material on which the Commission bases its decisions is, or which could reasonably incur perception of partiality or favour (or the converse).
- Commissioners may wish to consult the Chair and/or Chief Executive before accepting other appointments which might affect their role, directly or indirectly.
- Staff are required to obtain the prior approval of the Chief Executive before accepting appointments which might affect their work, directly or indirectly, or which might in any way conflict with the interests of the Commission. Staff are required to register all interests which may give rise to conflict with their role at the Commission, such as paid or unpaid external appointments, consultancy, trusteeships, directorships, advisory or voluntary roles. If you have any doubts or queries on conflict of interest, you must raise them promptly with the Chief Executive or the Director of Finance & Resources who will advise if they need to be registered. The register of interests of staff (*other than of the Chief Executive and Directors, as dealt with below*) will be kept by the Office Manager & HR Lead. It will not be published, but will be made available on request.

- This Code deals with matters of conduct and forms part of the terms and conditions of your appointment to, or employment or engagement by, the Commission. You should familiarise yourself with it and act in accordance with its principles.
- Compliance with this Code is mandatory. On breach of the Code by a Commissioner, the Chair will take whatever action s/he sees fit in the circumstances. Breach of the Code by a member of staff may result in disciplinary action, including possibly dismissal or (in the case of consultants, contractors, or agency workers), immediate termination of the engagement.
- Commissioners and staff are also expected to note and abide by the Commission's other policies and procedures which are updated and published from time to time on the X Drive and in particular Governance Policies which are distributed to all staff when re-approved. Commissioners will be provided with copies of policy and procedure documents on request. In addition, the Business Team will send Commissioners electronic and paper copies of any policy they identify as of relevance to the role of a Commissioner.
- Although this Code is applicable to consultants, contractors or agency staff undertaking work on behalf of the Commission, it does not form or imply a contract of employment. At no time, shall the consultant, contractor or agency worker become an employee of the Commission.
- In the remainder of the Code, all references to staff include consultants, contractors, and agency staff, unless it says otherwise; and references to Commissioners include the Independent Member of the Audit & Risk Committee.

### **Specific Requirements:**

## **2 Registration of interests**

Commissioners and the Chief Executive would automatically, by direct effect of the Act, cease to be such on acquiring any of the political associations set out in paragraph 1(6) of Schedule 1 to the Act. Other staff would in the same way cease to be Commission staff, except that they (unlike Commissioners and the Chief Executive) may become members of a political party, so long as they do not undertake any of the prescribed activities.

Commissioners, the Chief Executive and Directors are required to complete each year, and to update as necessary between times, a return of their main external interests including paid or unpaid appointments, consultancies, trusteeships, directorships, advisory roles, and the like. These may never give rise to any potential conflict of interest, but they are to be registered for the sake of transparency and openness.

Commissioners, the Chief Executive and Directors should also register any local authority area in which they live or have a home, or work, or are entitled to be registered to vote; and any local authority by which they have been employed, or engaged as a contractor or consultant, within the last five years. It may be more practical for a Commissioner who has

had occasional dealings with various authorities to record this fact in the Register, without listing each instance.

In registering interests, you should as far as practicable seek to anticipate local connections which may lead to their needing to declare interests at future meetings, when particular reviews come to be discussed, and include them in their submissions for the register. An interest declared at a meeting which was not already covered by registration will normally be added to the register.

Finally, Commissioners should register any similar local interests which apply to any close family member, or member of their household who might be thought to have influence over them.

Returns are to be made to the Office Manager & HR Lead. They are collated and published on the Commission's website.

To promote consistency, in compiling the register the Office Manager & HR Lead will make each Commissioner's submission or prospective submission available to all other Commissioners.

Commissioners will not work on any review of an area where they have a home, or are entitled to be registered to vote, or have worked with or for the local authority within the last five years.

### **3 Related Party Transactions**

Generally accepted accounting practices (and specifically Financial Reporting Standard 8)<sup>1</sup> require Commissioners and the Independent External Adviser to the Audit Committee to report 'Related Party Transactions', whereby material transactions with related parties must be disclosed in financial statements. "Related parties" in FRS 8 include close members of the family of an individual, who are defined for the purposes of the standard as those family members, or members of the same household, who may be expected to influence, or be influenced by, that person in their dealings with the reporting entity (i.e. the Commission).

### **4 Declarations of interest at meetings**

At the beginning of every Commission and Audit & Risk Committee meeting, there will be an agenda item asking those present to declare any interest they may have in any item on the agenda which could give rise to an actual or perceived conflict with their professional duties of impartiality, objectivity, and detachment. An interest which has already been disclosed in the register of interests should nevertheless be declared at the meeting, to be recorded in the minutes.

It is the responsibility of the individual concerned to identify and declare such interests although, if in doubt, they should seek advice from the Chief Executive. The Chief

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Executive's advice on any case will be made available to the full Commission. The Chief Executive may also offer advice at his or her own initiative, which again will be made available to the full Commission.

Declarations will often turn on matters of judgment. It is the individual Commissioner's responsibility to consider what should be declared, and in what terms.

Nevertheless, the Commission has a collective interest in safeguarding its reputation and in preserving a reputation for fairness, objectivity, and professional detachment. It will therefore wish to promote consistency in the judgments made. To this end, Commissioners are invited to consider in what circumstances others have made declarations. They are encouraged to be ready to discuss with fellow Commissioners and/or the Chief Executive if declarations may be apt to their own circumstances.

You are required to declare all interests which may represent a conflict with your role at the Commission. All potential conflicts of interest – whether real or that could reasonably be perceived – should be declared, for discussion by the Commission if necessary in deciding how best to proceed.

The test turns on reasonable perception of conflict, not its substance. It is important that the Commission can safeguard its reputation for impartiality, objectivity, and proper detachment. While bearing in mind the need not to exclude Commissioners' contributions lightly, the Commission will lean towards recognising possible concerns, even if weakly grounded, and will be inclined then to exclude or qualify Commissioners' contributions.

Where a Commissioner has declared a relevant interest in a matter, he or she should not take part in any discussion or decision on it. He or she is entitled still to see relevant papers, in the ordinary way, but must not seek at any stage to influence fellow Commissioners, or staff, or to disclose the Commission's thinking at any stage to outsiders. Any person declaring an interest will withdraw from the room during consideration of the matter.

It will be entirely proper for a Commissioner to declare a slighter or more tenuous interest or association, which would not in itself necessitate his or her abstaining from discussion or decision, in the interests of transparency. Commissioners are encouraged to do so. The Commission can then take cognisance of the interest, and it will be recorded in the minutes for all to see.

The Commission may need to consider collectively whether an interest or association should be recognised as limiting or excluding any Commissioner's contribution to discussion or decision.

If, during a meeting, discussions turn unheralded to an area in which a Commissioner has a declarable interest which he or she has not already declared, he or she should declare it immediately and proceed as they would have done had the interest been recognised from the outset.

Any decisions reached or steps taken under this section of the code shall be recorded in the minutes of the relevant meeting.

The Office Manager & HR Lead will review declarations of interest at meetings and, if they do not fall within interests already registered, invite the Commissioner(s) concerned to make suitable addition(s) to the register.

## **5 Acceptance of gifts/hospitality**

Commissioners and staff should be wary of receiving gifts because there is a risk that accepting even modest gifts or hospitality may attract criticism and leave individuals and the Commission open to a suspicion of undue influence.

The registration of gifts and hospitality helps ensure public confidence in the Commission and maintains accountability and transparency

Commissioners and staff are required to register all gifts or hospitality offered – **whether accepted or not** - or received. Registration returns must be made to The Business Team. There is a form for this purpose. The Register of Gifts and Hospitality is published on the Commission's website.

Commissioners and staff are urged to decline, where practicable and reasonable, any gifts offered, recognising the need not to give offence.

Gifts or hospitality must be refused if there is any doubt about the propriety of accepting them. Staff with responsibility for negotiating or approving contracts for goods or services, either directly or indirectly, should be particularly wary of accepting such offers.

In some cases, a relatively small example of hospitality (refreshments at a working meeting) is significant more for whom the meeting was with or its context. If low value refreshment is combined with a meeting with, for example, a Minister or an MP, so that it could be viewed as influential or significant, the meeting should be recorded in the Gifts and Hospitality Register.

Commissioners are also asked to disclose gifts and hospitality received in any non-Commission roles (but not those of a private or family nature), for the sake of transparency and consistency. These are recorded, but not published.

Gifts or hospitality accepted should be fitting and closely related to business purpose. For example; business meals (e.g. normal refreshments during a meeting with a council), short journey lifts to venues, etc. All gifts should be accepted on behalf of the Commission rather than personally and should be passed to the Office Manager & HR Lead who will decide what to do with it (e.g. sharing confectionery with colleagues, donating to a charity). Very small gifts such as inexpensive pens, key-rings, or coasters will usually be considered as too low value to warrant registration. If in doubt, please consult the Office Manager & HR Lead.

Commissioners, staff and to a much lesser degree, consultant's contractors or agency workers, may on occasions be expected to provide limited hospitality during their work, such as paying for the lunch/dinner or refreshments (beyond usual meeting refreshments such as tea, coffee, biscuits, or a sandwich lunch) of an individual, if this forms a necessary part of duties conducted on behalf of the Commission. Expenditure should be modest and in line with limits in the current Fees & Expenses Policy. Prior approval must be obtained from your line manager or (in the case of consultants, contractors, or agency workers) your hiring manager, and full details, by name and organisation of all beneficiaries, and the business purpose, must be shown in your expense claim. The Chair will give authorisation for the Chief Executive, and vice versa. Such authorisations will be copied to the Chair of the Audit & Risk Committee before the next meeting at which the Committee will scrutinise the hospitality register. The Chief Executive or the Director of Finance & Resources will give authorisation for Commissioners. The Chair of the Audit & Risk Committee will give authorisation for the Independent Member of the Audit & Risk Committee.

Where external individuals are being provided with hospitality together with other Commission staff or representatives, separate payment is likely to be embarrassing. In these circumstances, the most senior Commission employee present should pay the bill in its entirety, giving a detailed breakdown of the expense incurred by each named member of the party. Each person is then subsequently responsible for paying the Commission for the cost of alcohol, which is never authorised as expenses.

The Business Team maintains the register of gifts and hospitality. The Audit & Risk Committee will review it on an annual basis, and is published on the Commission's website.

## **6 Relations with third parties**

In dealing with third parties, Commissioners and staff should act sympathetically, efficiently, promptly and without bias or maladministration. All Commissioners and Staff are expected to offer the public the highest standards of courtesy, conduct and service.

Everyone is required to dress in a way that conveys a professional and business-like image when representing or acting on behalf of the Commission at meetings or other official activities which involve staff of other organisations or the public. Where protective clothing is provided for health and safety purposes it must be worn.

## **7 Resource management**

Commissioners and staff must always ensure the proper, economical, effective, and efficient use of public money and other resources and stewardship of public assets.

Damage to official property or papers must be reported immediately to the Finance & Resources Director or the Office Manager & HR Lead. Individuals are liable to be called upon to pay the cost of making good the damage if caused intentionally or through negligence.

Guidance on the fitting use of telephones, computers and the internet is provided in IT policy documents available on the X Drive. Hard copies can be provided. Please forward your

request to the Office Manager & HR Lead in the first instance or to any member of the Business Team.

When requested to do so, Commissioners and staff must return any official property in their possession to the Business Team or line manager as appropriate. This includes: PCs, laptop computers, mobile phones, iPads, security passes and other equipment belonging to the Commission, and official files and documents (including files stored electronically). Failure to return official property may result in legal proceedings for its recovery or for compensation.

## **8 Confidentiality and Personal Liability**

Commissioners and staff have a general duty of confidentiality in common law to the Commission, requiring them to protect Commission information held in confidence. They should not, without authority, disclose official information which has been communicated in confidence within the Commission or received in confidence from others. This applies both during and after working with the Commission.

The Commission endeavours to be open and responsive. Accordingly, staff should be familiar with their duties under the Freedom of Information Act 2000, and should act in accordance with its spirit as well as its letter, while recognising that there will be instances where information needs to be withheld, or withheld for a period, in line with the principles of the Act. This might apply, for instance, to commercial confidentiality, or to requests for premature disclosure of information which will be made available in the regular course of the Commission's business.

Everyone covered by this code should take special care of personal or sensitive information, and be heedful of specific responsibilities under the Data Protection Act 1988.

In addition, there is specific legislation which applies to information held by the Commission. The Representation of the People (Amendment) Regulations 2002 relating to England and Wales, Scotland, and Northern Ireland respectively, make it an offence to disclose to an unauthorised person details contained in the registers of electors to which Commissioners and staff have access. The penalty for doing so is currently a fine of up to £5,000. Staff, and any contractors, consultants or agency workers who may have access to this protected information are also required to comply with the special handling procedures prescribed for it.

Commissioners may be asked to comment to the media on Commission or other matters. If approached, Commissioners are asked to contact the Director of Strategy and Communications who is responsible for managing and co-ordinating the Commission's press and communications activities. It is advisable not to comment or answer questions without advice from the Director of Strategy and Communications or the Chief Executive.

Staff must not take part in any activities or make any public statement - for example in the broadcast or print media or at public meetings - which has any bearing on the business of the Commission or which refers to their employed capacity with the Commission, without the prior approval of the Director of Strategy and Communications or the Chief Executive.

Permission is not necessary for subjects that have no bearing on official matters but in such cases, you should make no mention of your position in the Commission, or act in a way which would be likely to bring the Commission into disrepute.

Commissioners and staff must not use social networking internet sites, web logs or any other online forum (apart from any Commission-owned corporate social networking sites which may be in use from time to time) to make any statement or give an opinion on any matters which have any connection to, or bearing on, the specific business of the Commission. You must also refrain from making any reference to your colleagues in their capacity as Commissioners or employees of the Commission; any inappropriate or derogatory comments will not be tolerated. These provisions apply both during and after your appointment to or employment with the Commission. On breach of the Code by a Commissioner, the Chair may take any action that s/he sees fit in the circumstances. Breach of the Code by a member of staff may result in disciplinary action, including the possibility of dismissal or, in the case of consultants and agency workers, immediate termination of the engagement, or other remedies.

Although any legal proceedings initiated by a third party are likely to be brought against the Commission as an entity, in exceptional cases, proceedings (civil, or in certain cases, criminal) may be brought against individuals appointed to, or employed by, the Commission.

If a third part should take legal action against an individual in a personal capacity (as distinct from action against the Commission as a statutory body), the following will apply:

Individuals who act honestly and in good faith will not have to meet any personal civil liability which is incurred in execution or purported execution of their duties. The Commission will indemnify individuals against claims in these circumstances. The indemnity will not apply where the individual has acted negligently or recklessly. It should be noted that the Commission cannot indemnify anyone against criminal liability (as may apply, for instance, for certain health and safety offences, or infringements of data and information protection provisions).

## **9 Private activities**

Commissioners' and staff members' private activities are relevant only if they may bring discredit to the Commission, or create the suspicion that a Commissioner or staff member is not capable of acting with propriety in their work, or leave them potentially vulnerable to inappropriate influence or pressure.

### **9.1 Financial matters:**

Commissioners and staff are expected to conduct their private financial affairs in a satisfactory manner. They are not allowed to undertake money lending as a matter of business. Borrowing money or attempting to borrow money from a member of the public or other persons with whom they are brought into contact during their work at the Commission is also prohibited.

Should a Commissioner or member of staff become bankrupt or insolvent they must immediately report the fact to the Director of Finance & Resources or Chief Executive and without delay thereafter submit a full statement of the circumstances of the case. Commissioners should be aware that, if they become bankrupt or insolvent and have committed any act of dishonesty or have otherwise acted discredibly, the Chair may take any action that s/he sees fit in the circumstances. Staff should be aware, similarly, that disciplinary action may be taken or the engagement terminated (in the case of consultants and agency workers). If there is evidence of the misappropriation of public money, Commissioners and staff will be liable to prosecution.

## **9.2 Criminal charges:**

If a Commissioner or member of staff is arrested and refused bail on any charge, or is cautioned, or convicted or found guilty of any criminal offence, they must immediately take steps to inform the Chief Executive. This does not apply to a traffic offence unless the penalty is likely to include imprisonment or disqualification from driving.

## **9.3 Substance abuse:**

Any substance abuse (including alcohol abuse) that may bring discredit to the Commission, and any suspicions or evidence of abuse, will be investigated and may lead to action or termination of engagement (in the case of consultants and agency workers).

## **9.4 Political activities**

Membership of a political party by itself will not be a bar to appointment or continued service, except in the case of Commissioners and the Chief Executive. However, certain rules must be applied strictly to ensure that the Commission commands confidence that it is independent and non-partisan. Commissioners and staff should note that appointment or employment will end automatically on the occurrence of any of the following events:

- i) you consent to being nominated as a candidate for a relevant election within the meaning of the Political Parties, Elections and Referendums Act 2000 (PPERA) or to being included in a registered party's list of candidates at such an election. The list of relevant elections is:
  - member of the House of Commons
  - member of the European Parliament elected in the United Kingdom (including the combined region i.e. the South West electoral region which includes Gibraltar)
  - member of the Scottish Parliament
  - member of the National Assembly of Wales
  - member of the Northern Ireland Assembly
  - member of:

- i) any local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council, or
  - ii) the Greater London Assembly
- Mayor of London or elected mayor within the meaning or Part II of the Local Government Act 2000
  
- ii) you take up any office or employment with:
  - a registered political party or any accounting unit of such a party
  - a recognised third party under PPERA
  - a permitted participant in a referendum as defined in PPERA
  
- iii) you are named as a donor in the register of donations or in any statement of donations included in a return delivered to the Electoral Commission under PPERA
  
- iv) you are named as a participant in the register of recordable transactions reported under Part 4A PPERA

In addition, staff may be subject to disciplinary procedures, and consultants or contractors to termination of engagement, if they engage in any activity that might call into question their political impartiality. A Commissioner acting in this way may prompt the Chair to take action that s/he sees fit in the circumstances.

Upon joining the Commission, Commissioners and staff are asked to sign a declaration on political activity. Throughout their appointment or employment with the Commission individuals are required to conduct themselves so as not to raise any question as to the political impartiality of the Commission. Any active political involvement, such as campaigning, leaflet distribution, or as described above, whether at national or local level, is likely to be incompatible with the need for the Commission to be completely impartial. Such involvement or breach of the political restrictions set out in Schedule 1 to the Local Democracy, Economic Development and Construction Act 2009 may result in disciplinary action against staff, or termination of the engagement (in the case of consultants and contractors). Breach of the Code by a Commissioner may result in the Chair taking any action that s/he sees fit in the circumstances.

The Business team will prompt Commissioners and staff to re-confirm their compliance with the Local Democracy, Economic Development and Construction Act 2009 restrictions each year through a written declaration.

Individuals are also required to inform their line manager or the Chief Executive if a close family member or associate is closely involved with a political party. This is not a bar to your appointment or employment with the Commission, but is required as a safeguard against any external perception of bias. Political interests of your family members or associates should be declared on the form at Appendix A.

## **10 Fraud prevention**

Commissioners and staff have a duty to safeguard any public resources and to use responsibly any public resources at their disposal. Individuals must act with propriety in the use of resources and in the handling and use of public funds whether these are cash or payment systems, receipts or dealing with suppliers or contractors. Commission policy on managing the risk of fraud is available on X Drive.

## **11 Concerns about improper conduct**

If a Commissioner or member of staff believes that they are being required to act in a way which:

- is illegal, discriminatory, improper, or unethical;
- is in breach of this Code of Conduct;
- may involve possible misadministration, fraud, or misuse of public funds; or
- is otherwise inconsistent with the Code;

Or if:

- they believe there is evidence of irregular or improper behaviour elsewhere in the organisation but where they have not been personally involved;
- there is evidence of criminal or unlawful activity by others; or
- they are required to act in a way which, for them, raises a fundamental issue of conscience;

They should immediately raise their concerns with the Chief Executive, the Chair of the Commission, or the Chair of the Audit & Risk Committee, or use the procedures described in the Commission's Whistleblowing Policy on the X Drive.

## **12 Review**

The Audit and Risk Committee will periodically review the operation of this Code of Conduct.

## DECLARATION

I have read and agree to the principles and procedures in the Local Government Boundary Commission's Code of Conduct.

I understand that it is my responsibility to make registrations and declarations of interests and to record offers or receipts of gifts & hospitality as required and that a breach of the Code will be taken seriously.

I agree to be bound by the provisions of this code.

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Signed

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Full name (block capitals)

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Date

Please sign and return to the Office Manager & HR Lead, 14th Floor Millbank Tower, Millbank, Millbank, London, SW1P 4QP.