

2001 No. 2280 (W.170)

LOCAL GOVERNMENT, WALES

The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001

Made

21st June 2001

Coming into force

28th July 2001

The National Assembly for Wales makes the following Order in exercise of the powers conferred upon it by sections 82(2) and 105(1) of the Local Government Act 2000(1).

Citation, commencement and application

1.—(1) This Order may be cited as the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 and shall come into force on 28th July 2001.

(2) This Order applies to each relevant authority in Wales.

Interpretation

2. In this Order—

- “the Act” (“*y Ddedd*”) means the Local Government Act 2000;
- “qualifying employee” (“*cyflogai cymwys*”), in relation to a relevant authority, means an employee of the authority other than an employee falling within any description of employee specified in regulations made by the National Assembly for Wales under section 82(8) of the Act(2);
- “relevant authority” (“*awdurdod perthnasol*”) means—

(a)

a county council,

(b)

a county borough council,

(c)

a community council,

(d)

a fire authority constituted by a combination scheme under the Fire Services Act 1947(3), or

(e)

a National Park authority established under section 63 of the Environment Act 1995(4).

Code of conduct for a qualifying employee of a relevant authority

3. The code as regards the conduct which is expected of a qualifying employee of a relevant authority is set out in the Schedule attached to this Order.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5).

D. Elis-Thomas

The Presiding Officer of the National Assembly

21st June 2001

Article 3

SCHEDULE

CODE OF CONDUCT FOR QUALIFYING EMPLOYEES OF RELEVANT AUTHORITIES IN WALES

General Principles

1. The public is entitled to expect the highest standards of conduct from all qualifying employees(6) of relevant authorities(7). 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.

Accountability

2. 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.

Political Neutrality

3. Qualifying employees of relevant authorities, whether or not politically restricted(8), 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.

Relations with members, the public and other employees

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

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

Equality

6. 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.

Stewardship

7. 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.

Personal Interests

8. 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 comply with:

(1) any rules of their relevant authority on the registration and declaration by employees of financial and non - financial interests,

(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.

Whistleblowing

9. 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 relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.

Treatment of Information

10. 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.

Appointment of Staff

11. 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.

Investigations by Monitoring Officers

12. Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000⁽⁹⁾ a qualifying employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

EXPLANATORY NOTE

(This note does not form part of the Order)

Part III of the Local Government Act 2000 (“the Act”) establishes a new ethical framework for local government in Wales.

Section 82(2) of the Act provides that the National Assembly for Wales may by order issue a code as regards the conduct which is expected of certain employees of relevant authorities in Wales (“the code of conduct”).

The relevant authorities are county, community and county borough councils, fire authorities and National Park authorities but not police authorities.

Employees of relevant authorities to which the code of conduct does not apply are those who fall within any description of employee in regulations made by the National Assembly for Wales under section 82(8) of the Act.

By virtue of section 82(7) of the Act, the terms of appointment or conditions of employment of employees of relevant authorities to whom the code of conduct applies are to be deemed to incorporate the code of conduct set out in the Schedule to this Order.

(1)

[2000 c. 22.](#)

(2)

S.I. [2001/2278 \(W.168\)](#).

(3)

[1947 c. 41.](#)(d) [1995 c. 25.](#)

(4)

[1995 c. 25.](#)

(5)

[1998 c. 38.](#)

(6)

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 (S.I. 2001/ (W.)) are qualifying employees.

(7)

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.

(8)

A qualifying employee who holds a politically restricted post is disqualified from becoming or remaining a member of a relevant authority (see sections 1-3 of the Local Government and Housing Act [1989 \(c. 42\)](#) and the Local Government Officers (Political Restrictions) Regulations 1990 (S.I. [1990/851](#)) as amended by the Local Government Officers (Political Restrictions) (Wales) (Amendment) Regulations 1999 (S.I. [1999/1665](#))).

(9)

[The Local Government Investigations \(Functions of Monitoring Officers and Standards Committees\) \(Wales\) Regulations 2001 \(S.I. 2001/ 2281 \(W.171\)\).](#)