

5.5 Officer Code of Conduct

1. Introduction

As a member of the East Midlands Combined County (EMCCA) team you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty, and leadership - in your conduct at all times. These are known as the ‘Nolan principles’.

2. Policy Purpose

The public are entitled to expect the highest standards of conduct from all officers. The role of officers is to serve the Combined County 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. This document sets out the standards expected of all the Combined County Authority’s officers. Guidance in relation to the acceptance of gifts and / or hospitality by officers, is detailed in the Gifts and Hospitality Policy which forms part of the Code of Conduct.

3. Objectives of the Code

This code of conduct should:

- provide officers of the Combined County Authority with an effective ethical framework within which to work; and give the public confidence that the Combined County Authority’s officers are working on their behalf in an appropriate manner; and
- provide guidance to officers on the possible consequences of breaches of this code.

4. Responsibilities

Officers of the Combined County Authority

The Combined County Authority expects all officers to be accountable for their actions and to act in accordance with the principles set out in this Code,

recognising the duty of all public sector officers to discharge public functions reasonably and according to the law.

Line Manager

The role of the manager is to provide support and advice to officers to ensure that the principles of the Code are applied consistently.

Human Resources (HR)

The role of HR is to provide support and advice to managers and officers to ensure that the principles of the Code are applied consistently.

Legal Section

The role of Legal and Governance Services is: -

- to review entries in the registers of personal and prejudicial interests and give advice to officers in relation to any implications.
- to advise officers in relation to the application of this Policy, if requested; and
- to maintain the register of officers' personal and prejudicial interests confidentially and in accordance with relevant legislation.

5. Political Neutrality

The Combined County Authority expects officers to follow every policy/procedure of the Combined County Authority and not to allow their own personal or political opinions to interfere with their work. Where officers are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with those restrictions.

6. Personal Relationships with Members of the Combined County Authority (Members), the Public and Other Officers

Mutual respect between officers and members is essential to good working relationships at the Combined County Authority and each should handle work matters on a professional basis. Officers of the Combined County Authority should deal with the public, Members, and other officers sympathetically, efficiently and

without bias. The Combined County Authority endeavours to avoid a situation where officers are either directly managed by, or responsible for, the recruitment and selection of someone with whom they have a personal relationship, e.g., a member of the same family.

7. Equality & Diversity

All officers and other persons who are acting on behalf of the Combined County Authority, including contractors and consultants must comply with the Combined County Authority's Equality & Diversity Policy.

8. EMCCA Property

Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with standing orders and financial regulations. Officers must not utilise property, vehicles, or other facilities of the Combined County Authority for personal use unless authorised to do so.

9. Conflict with Duties

Officers must not allow their private interests or beliefs to conflict with their professional duty. Additionally, officers must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others. Officers should abide by the rules of the Combined County Authority about the declaration of gifts or hospitality offered to, or received by, them from any person or body seeking to do business with the Combined County Authority or which would benefit from a relationship with the Combined County Authority. Officers should not accept benefits from a third party unless authorised to do so by a manager at the appropriate level in accordance with the Gifts and Hospitality Policy.

10. Whistleblowing

Where an officer becomes aware of activities which they believe to be illegal, improper, unethical, or otherwise inconsistent with the Code of Conduct for officers, they should report the matter in line with the Combined County Authority's Confidential Reporting ("Whistleblowing") Policy and associated documents. The Whistleblowing Policy reflects the Public Interest Disclosure Act 1998 which protects officers from dismissal or victimisation if they disclose information about wrongdoing by the Combined County Authority or colleagues.

11. Treatment of Information

The Combined County Authority encourages all officers to be open in the distribution of information and decision making. However, certain information may be confidential or sensitive and therefore not appropriate to a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should be restricted to:

- a Member,
- a relevant Combined County Authority officer,
- other persons entitled to receive it, or who need to have access to it for the proper discharge of their functions.

This Code does not override existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

12. Investigations by Monitoring Officer

The role of the Monitoring Officer is a requirement for the Combined County Authority. Where the Monitoring Officer is undertaking an investigation in accordance with the Combined County Authority's procedure for dealing with allegations, officers must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

13. Compromising the Impartiality of the Combined County Authority's Officers

Officers must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Combined County Authority, either directly or as a response to pressure from others. An officer should not attempt to force other officers to take action or change advice if doing so would prejudice their professional integrity.

14. Improper Use of Position

Officers must not use, or attempt to use, their position improperly either for their own or anybody else's advantage or disadvantage.

15. Considering Advice Provided

If an officer seeks advice, or advice is offered to them, on aspects of how the Code of Conduct applies, the officer must have regard to this advice.

16. Personal and Prejudicial Interests

The attached guidance in relation to personal and prejudicial interests forms part of this Policy. It explains what these interests are or may be; when and why they must be registered; the internal procedure involved and how the information will be dealt with. Officers must adhere to this guidance.

Registration of any such interest protects the Combined County Authority and its officers by giving early warning of any potential areas of conflict of interest. That the Combined County Authority has this policy provides assurance to the public that the Combined County Authority is acting in the public interest. The Combined County Authority requires officers to register personal interests in areas where there are clear grounds for concern, that such an interest could give rise to accusations of bias in decision making and working practice.

An officer may seek to exempt their personal interests from the register if they consider, for instance, that having this information on record might put themselves or others at risk. In such cases, the officer should discuss the matter with the Head of Legal and Governance Services.

In certain circumstances an officer's personal or prejudicial interest may be found to be inappropriate or incompatible with their duties or their role within the Combined County Authority. Appropriate steps might be required to be taken. Ultimately, if an officer does not agree to take the appropriate steps required by the Combined County Authority, this might result in disciplinary action being taken and could amount to gross misconduct leading to dismissal.

17. Registers of Interests – Legislative Implications

The Combined County Authority's registers of officers' personal and prejudicial interests are not matters of public record. The information contained in them will be kept in accordance with the Data Protection Act 1998. However, it is possible that the Combined County Authority could be compelled to divulge certain information from the registers under the provisions of the Freedom of Information Act 2000. Officers must advise when their circumstances change to update or remove records from the register. The register will be reviewed annually by the Legal Services to ensure it is up to date and in compliance with the Information Commissioner's requirements.

18. Gifts and Hospitality

Officers must comply with the Combined County Authority's Gifts and Hospitality Policy. Please refer to the guidance available on the legal and governance pages on the Intranet *[link to be inserted here once available]*.

19. Equality Impact Assessment

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

20. Formal Action

Employees should note that any breaches of this policy may be considered either misconduct or gross misconduct and may lead to action within the Combined County Authority's Disciplinary, Conduct & Capability Policy and Procedure.

21. Changes to Policy

The Combined County Authority reserves the right to amend the details of this policy as required following consultation with recognised trade unions and other relevant parties. This policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the Combined County Authority and ensure compliance with relevant legislation. A written request can be made to review this policy at any time, by any of the signatories, giving appropriate reasons for requesting the review.

Schedule 1 – Notification of Interests

Notification by an Officer of the East Midlands Combined County Authority of Financial or Other Interests or an intention to acquire such Interests.

Name of Officer:	
Job title:	
Reports to:	

I [intend to]* have the following financial interests:- (delete as appropriate)*

Please complete the following boxes or put "none" or "n/a" as appropriate.

- a. Business or other employment outside the Combined County Authority working hours:
 - b. (Name(s) of my employer(s)) (Name(s) of firm(s) in which I am a partner) (Names(s) of Company/ies of which I am a paid director) (delete whichever do not apply):
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- c. Name(s) of any company or business having a place of business or land in Derbyshire or Nottinghamshire and in which I own or have an interest in a class of shares of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies:

- d. Names of any company or business which carries on business with the Combined County Authority, or which may carry on such business or may or is tendering for contracts from the Combined County Authority in which I own or have an interest in any shares at all:

- e. Description of any contract for goods, services or works made between the Combined County Authority and myself or a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (c) above:

- f. Address or other description of any land or buildings other than my own main residence which is in the close vicinity of land or buildings owned by the Combined County Authority or another authority or sites where the Combined County Authority or that other authority is or may be involved in development relevant to the Combined County Authority, such as bus stations, new transport interchanges:

- g. Address or other description of any land or buildings where the landlord is the Combined County Authority and I am the tenant, or the tenant is a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (d) above:

- h. Address or other description of any land the Combined County Authority's area in which I have a licence (along or jointly with others) to occupy for 28 days or longer:

I [intend to] have the following other interests:

- i. I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the Combined County Authority as its representative:

- ii. (j) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature:

- (k) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes:

- (l) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy:

Request for Exemption from Registration if the officer feels there are good reasons for this information not to be kept on record, such as their personal safety or that of others, they should set out the details below:

I request that the details of my financial or other interest be exempt from registration for the following reasons:

Date:

Signed

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