

Code of Conduct for Chief Officers

Author	<i>Heather Liddle</i>	Contact	<i>liddleh@northlan.gov.uk</i>
Owner	<i>Fiona Whittaker</i>	details	<i>whittakerf@northlan.gov.uk</i>

Date	<i>08/10/2019</i>	Version number		Document status	
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Governance Committee		Date approved	
Review date			

Strategic Alignment

Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

Consultation process		
Stakeholders		
Distribution		

Change record

Date		Author	
Change made			

Introduction

The provisions of this Code apply to Chief Officers of the council i.e. Executive Directors and Heads of Service and the term "Chief Officer" throughout this document shall be taken as applying to all Chief Officers. Where reference is made to an Executive Director this shall be construed as applying in his or her absence to a Head of Service present in that Portfolio or Service.

As Chief Officers of the council you are already subject to certain rules and obligations such as those defined by law or prescribed in your Conditions of Employment, the council's Standing Orders, Financial Regulations and Contract Standing Orders. You may also be subject to certain obligations of a professional organisation to which you belong as a necessary or appropriate part of your employment.

This Code is not intended in any way as a substitute for such rules or obligations but rather to supplement them. The Code is prescribed for the purposes of guidance but should not be departed from without good reason, which you may be called upon to justify. In particular any breach of this Code may be taken into account in any disciplinary or other proceedings or in any mechanism by which your performance as a Chief Officer may be assessed for any purpose.

1. Corporate Working

- 1.1 All Chief Officers are expected to work together in the best interests of the council. This means that Services should not be seen as islands or independent, autonomous organisations. While an Executive Director will have an operational responsibility for the management of his or her Portfolio, the work and role of the Portfolio must be set within the corporate context of the council's objectives and policies.
- 1.2 The principal strategic focus of corporate working is the Corporate Plan and the Service Improvement Planning System. Corporate management is concerned primarily with issues of strategic importance. All major policy issues will therefore require to be reviewed from a corporate standpoint to allow an assessment to be made of their strategic significance.
- 1.3 In the interests of corporate working all major policy issues or projects and matters requiring corporate attention must be brought to the attention of the Chief Executive at the earliest possible opportunity to enable him to consider and advise as to how such issues should be dealt with. Chief Officers should not attempt to put strategic policy issues through the Committee system by direct approach to a Committee Chair or a Member Level Forum before such

issues have been brought to the attention of the Chief Executive and he has considered the appropriate approach to the matter.

- 1.4 The principal operational focus for corporate working by Executive Directors is the Corporate Management Team Meetings at which any inter-service difficulties can be aired and potential problems anticipated. Attendance at Corporate Management Team Meetings must be regarded with the same seriousness as for major council or Committee meetings. Except as authorised by the Chief Executive, Executive Directors and relevant Heads of Service must attend these meetings other than because of illness, leave or other approved absence and in which cases a Head of Service will attend in the absence of the Executive Director.
- 1.5 All Chief Officers are also expected to participate fully in the community planning process under the North Lanarkshire Partnership Board and its agreed community planning strategy.

2. **Relationships with Councillors**

- 2.1 Councillors should be afforded the respect of their office. They should be addressed as Provost, Convener, Chair or Councillor as appropriate although it is accepted that on a one-to-one basis in private other forms of address may be used depending on how long and how well the Chief Officer and Councillor have known each other. It is the responsibility of all Chief Officers to convey the concept of respect for the elected office of Councillor among council staff.
- 2.2 Mutual respect between Councillors and Officers is essential to the proper conduct of the Council. Close personal familiarity between individual Chief Officers and Councillors can damage both this relationship and the belief that Chief Officers give objective and professional advice and commitment to the council.

3. **Relationships with Committee Chairs**

- 3.1 Executive Directors are responsible for the management of Portfolios and the provision of professional advice to the Chief Executive and to the whole council and in this capacity they are assisted by Heads of Service. Formal advice is normally given at committee and is most often in written report form.
- 3.2 Committee Chairs are responsible for chairing committees and act as council spokespersons for particular Services. They will normally be members of the majority political party and will be seeking to ensure that Executive Directors and Portfolios are taking account of the political priorities of that party, often

expressed as manifesto commitments, and keeping a weather eye open for controversial issues before they became public. They have to report back to their political group and will often recommend ideas to the group and group ideas to the Executive Director. In this respect it is important to ensure that a Chair is properly briefed on subjects or issues concerning which he may be asked to speak, whether to his political group, a section of the media or, most importantly, a Committee or the council.

- 3.3 Chief Officers must not take instructions from Chairs as their instructions come from the council as a whole and from the Chief Executive. Executive Directors and other designated Chief Officers should keep Chairs apprised of matters of significance likely to affect their Service or the functions of their parent Committee, from impending legislation through to local concerns being raised by local groups or MPs, MSPs, MEPs. From time to time a Chair may request a background note or policy options paper. These should be seen as extensions of the normal briefing provided to Chairs and assistance given for that purpose, although care should be taken to ensure that Service resources are not committed to an undue extent in the preparation of such documents.
- 3.4 The relationship between a Chief Officer and Chair is one which develops with time and should be based on mutual respect and understanding of the roles and contributions of each to the work of the council. Differences of view will occur, but this is only to be expected from time to time. If differences are regular and persistent, the Chief Officer should consult the Executive Director/Chief Executive.
- 3.5 The Chief Executive should be advised when Chairs are seeking inter-service meetings with other Chairs and their Executive Directors, in case any policy or management difficulties are being encountered, while he may also have to keep the Leader of the Council aware of any difficulties or new initiatives.

4. **Attendance at Political Party Group Meetings**

- 4.1 Notwithstanding advice in the JNC Conditions of Service, it can sometimes be of benefit for a Chief Officer to attend such meetings to give advice on a particular issue, but these occasions should be seen as the exception rather than the rule. Requests for such attendance will normally be made to the Chief Executive by the appropriate Party Group Leader or Secretary/Business Manager.
- 4.2 Officers may attend meetings of political groups to give background or briefing information on committee items or matters of current concern but

may only do so when such attendance has been sanctioned by the Chief Executive. The Chief Executive may decide that attendance is inappropriate or that attendance by himself and/or a Chief Officer is appropriate and may request that a Chief Officer attend such a meeting. The Chief Officer may decline such a request, may attend in person or may request that an appropriate member of staff attend.

- 4.3 In keeping with the concept that professional advice from Chief Officers should be available to all political parties represented on the council, the Chief Executive will keep a record of all requests for the attendance of Officers at political group meetings and the outcome of such requests and such records will be available for inspection by the Secretary/Business Manager of the political groups.

5. **Talking to Public or Professional Meetings**

- 5.1 Unless carrying out a general or specific instruction by the council or the Chief Executive, Chief Officers should not accept invitations to address Community Councils, Tenants' Associations or other forms of public meetings without first advising the Chair responsible. Where the subject matter is particular to an individual area or Ward it would also be appropriate to advise the local Ward Members.
- 5.2 Where the invitation concerns addressing a meeting of professional officers or similar gathering concerned with your professional duty such activities will generally be encouraged.

6. **Statements to the News Media**

- 6.1 Where council procedures so require, all statements to the Press or other sections of the news media must be made by an officer designated for this purpose or by way of the Council's Officer responsible for Press relations. In other respects it is the responsibility of each Chief Officer to ensure that council policy and procedures for dealing with the media are complied with.
- 6.2 Chief Officers should not agree to appear on the broadcast media such as television programmes without first notifying the Head of Strategic Communication.

- 6.3 Any questions of controversy or which involve departure from council policy should be the subject of consultation with the Chief Executive prior to any Press comment being made.
- 6.4 In all cases where council procedures so require, reference should be made to the Head of Strategic Communication who may advise on lines of approach or comment.
- 6.5 It is the responsibility of each Chief Officer to identify whether any potential legal issue may be involved in comment to the Press and to seek advice from the Head of Legal and Democratic Solutions as appropriate.

7. **Written Communications**

- 7.1 Written communications, whether to Councillors, other Officers or to organisations or individuals having business with the council, represent the most important means of communication. If a person writes to a service or the council they should receive a prompt, courteous and coherent reply. It is impossible to satisfy all writers of correspondence but Chief Officers should make themselves and their staff aware of the importance of written communication.
- 7.2 Chief Officers are responsible for ensuring that incoming mail addressed to the Service HQ is examined at an appropriate level and that they are familiar with major issues being raised in correspondence. Correspondence should be addressed to Chief Officers who are responsible for ensuring adequate arrangements for mail to be satisfactorily dealt with. Staff should be made aware of the fact that all mail is to be examined so that they can ensure that no personal or private mail is addressed to them at their work place.
- 7.3 As a general rule if it is not possible to provide a full response to a written enquiry within two weeks, arrangements must be made to ensure that at least an interim response is made. In the case of written enquiries by Councillors a response should be given within fourteen days. If a request by a Councillor would result in significant council resources being used for the purposes of complying with the request, the request should be discussed with the Executive Director/Chief Executive.
- 7.4 Chief Officers are responsible for ensuring that outgoing mail is signed at an appropriate level within their Service, recognising that important correspondence may require their personal attention.

- 7.5 Correspondence to Councillors, MPs, MSPs, MEPs and the Chief Executive should be signed by a Chief Officer. It is accepted that because of the volume of requests, waiting list positions, etc may be supplied directly to elected members by Area Managers in the Housing Service and obviously some straight-forward requests for information would be dealt with by principal officers or section heads. However, it is important that Executive Directors are aware of and are seen to be concerned about correspondence received from elected members and Executive Directors should keep some convenient record of inquiries received from Councillors, MSPs and MPs.
- 7.6 The Chief Executive will normally receive correspondence from MSPs, MPs and MEPs and may ask Executive Directors for information or to reply directly. All correspondence with MSPs, MPs and MEPs must be copied to the Chief Executive for his information.
- 7.7 Much written correspondence, both within and outwith the council, is now undertaken by email, which raises issues of the authority of staff to represent or commit services where correspondence is not signed in the traditional way. Chief Officers are responsible for ensuring that staff conform to appropriate Service guidelines on the use of email, including keeping more senior staff advised and copied in, against the background of any council-wide procedures and protocol.

8. **Committee Reports and Agenda Items**

- 8.1 All reports to Committees, Sub-Committees or similar bodies shall be in name of a Chief Officer. Such reports are understood to represent the proper professional opinion and advice of the Chief Officer of the appropriate Service.
- 8.2 Elected members may in Committee or Council ask for reports to be prepared but the preparation of reports shall generally be the sole province of the paid staff. Chief Officers may submit reports on new items of business as they consider appropriate, within the context of corporate working earlier outlined.
- 8.3 All items for inclusion on an agenda should be with Legal and Democratic Solutions not later than noon on the day determined in accordance with the timetable fixed by the Head Legal and Democratic Solutions for that purpose.
- 8.4 In accordance with the spirit of corporate working the preparation of reports should take cognisance of the fact that other Portfolios require to be consulted on matters which affect them. Similarly, reports require to be

prepared taking into account appropriate legal, financial, human resources, property, technical and other advice as required. The system of Chairs agenda meetings is no substitute for prior consultation.

- 8.5 If any report criticises another Service such a report should be the subject of specific consultation between the Executive Director concerned and the Chief Executive prior to its inclusion on any agenda.
- 8.6 An agenda for any committee, Council or similar member level meeting shall be prepared by the Head of Legal and Democratic Solutions in consultation as necessary with the Chief Officers of the appropriate Services. If the Chair so requires, this shall be discussed with the Chair of the appropriate committee at an agenda meeting. A Chief Officer will have the right to submit a report for inclusion on an agenda on an item which he feels requires a professional submission by him at that time. The Chair may instruct that an item be added to the agenda or that any item not be placed on the agenda at this time. Where a report put forward by a Chief Officer has not reached the agenda proper after a reasonable period of time, or earlier where there is considered to be some urgency, this should be taken up with the Chief Executive. No item may be removed if it was remitted or continued to the particular meeting being called or if it is an item requested to be placed on the agenda by an elected member in terms of Standing Orders. Similarly the deletion of an item from an agenda must be based on a Council decision to that effect. Subject to the above points the composition of the agenda and the addition or removal of any items shall be at the discretion of the Head of Legal and Democratic Solutions.
- 8.7 While Officers' reports, including recommendations, must be submitted as written to the appropriate committee or the council, the Chair has the right, if he or she wishes to exercise it, to make a different recommendation to his or her committee or Council Meeting.
- 8.8 Where for any reason there is no Chair or Vice Chair of a particular committee, a draft agenda shall still be produced at the usual time. This will be subject to consideration by the Chief Executive who will discuss it with the Executive Director, the Head of Legal and Democratic Solutions and such other officer as he or she thinks fit and give instructions to the Head of Legal and Democratic Solutions as to any items which should or should not be placed on the agenda and any other instructions he or she considers appropriate.

9. **Financial Regulations and Contract Standing Orders**

- 9.1 It is a duty of your post as a Chief Officer that not less than once a year you should read the council's Financial Regulations and Contract Standing

Orders and ensure that at all times staff under your supervision are aware of the detailed requirements of these orders and regulations insofar as they relate to the duties being performed.

- 9.2 Executive Directors are required to ensure that Chief Officers, all senior management and all officers who are designated as authorised signatories for the approval, receipt or authorisation of expenditure upon any goods, services or commitment on the part of the council to any contractual obligations familiarise themselves with the Financial Regulations and Contract Standing Orders within two weeks of joining the Service, and thereafter with such amendments which may be issued. Copies of these documents are available from the Head of Financial Solutions on request.
- 9.3 Chief Officers are further required to ensure that all those abovementioned members of staff in their Service read the documents and return an acknowledgement form to that effect when required.
- 9.4 Chief Officers should ensure that all goods and services are purchased in accordance with the appropriate Regulations and should source services from the appropriate unit of the council charged with the provision of such services.

10. **Budgets**

- 10.1 Executive Directors will be held accountable for expenditure on revenue and capital budgets under their control.
- 10.2 Executive Directors must go over their revenue and capital budgets at least once each accounting period to check progress. Appropriate Chairs must be advised of any likely variations to estimated expenditure which may be of significance.

11. **Delegated Powers**

- 11.1 Executive Directors should ensure that they comply with the terms of any powers delegated to them and that staff under their control do likewise.

- 11.2 Executive Directors should review from time to time the nature, scope and need for delegation.

12. **Leave, Sickness or Other Absence**

- 12.1 The council's scheme for notification by staff to their supervising officers of unavoidable absence from work due to sickness and the arrangements for taking annual leave apply equally to Chief Officers, subject to the requirement that in the case of Executive Directors the appropriate supervising Officer to whom notification of absence should be intimated and permission for leave sought is the Chief Executive who should also be updated on any significant periods of absence.
- 12.2 In addition to absence arrangements due to sickness or leave, any Executive Director who wishes to be absent from his office on business outwith the UK shall first seek the agreement of the Chief Executive. Executive Directors should also seek the agreement of the Chief Executive prior to approving attendance at conferences or business outwith the UK by any other member of their Portfolio.
- 12.3 Executive Directors should not be on leave at the same time as all their Heads of Services and this cover arrangement applies also to absence from the office due to attendance at conference, courses, etc.
- 12.4 Chief Officers are responsible for ensuring that adequate arrangements are made for proper continuance of the work of their Portfolio in determining arrangements for staff leave. Pre-planning of arrangements for leave requests at popular periods such as peak holiday periods and at Christmas/New Year is essential to ensure that the proper functioning of the Service is maintained.

13. **Police Enquiries**

- 13.1 You must inform the Chief Executive immediately of any police involvement outwith routine contacts in any activity affecting your Portfolio or involvement with any current or former member of your staff. You must similarly advise the Chief Executive immediately on there coming to your attention any irregularity affecting your Service which may involve the commission of any criminal act.

- 31.2 In terms of arrangements put in place by the Chief Constable, Strathclyde Police, concerning defalcation reporting procedures, such reports shall be made to the Police by the Chief Executive or on his authority.

14. **Council Decisions**

- 14.1 Notwithstanding any arrangement whereby the Head of Legal and Democratic Solutions advises services of Council decisions it is the responsibility of each Chief Officer to read Council Minutes and to take all necessary steps to implement Council decisions.

15. **Safety Policies & Procedures**

- 15.1 Each Chief Officer is responsible for ensuring that the working practices in his Portfolio conform with all legislative requirements and this requirement similarly affects sites or contracts under his control. Executive Directors must arrange for the production and review of appropriate Safety Policies and Procedures and Chief Officers must ensure that these are brought to the attention of staff and others under their supervision.

16. **Confidentiality**

- 16.1 As a Chief Officer you will, of necessity, come across much information dealing with a wide range of material, some of which may be confidential but most of which may be of a routine nature. While ensuring at all times that the requirements of legislation such as the Freedom of Information and Access to Information regimes are complied with, it is important that information on council business is restricted to those who have legitimate business to know it. Accordingly care should be taken to ensure that council business is not divulged without legitimate reason.

17. **Potential Conflicts of Interest**

- 17.1 You will not undertake any other employment or outside or private work whether for payment or reward or otherwise, except with the prior consent of the council, which consent shall not be unreasonably withheld providing always, however, that:-

- (i) such consent shall not normally be given for work that is in any way associated with your official duties, and

- (ii) you shall not engage in work for any individual, firm or body where the Council is, or could be, involved in the transaction or other business or where the work in any way conflicts or is likely to conflict with or impinge upon the Council's interest.

17.2 Your attention is drawn to the statutory requirement that if it comes to your knowledge that a contract in which you have a pecuniary interest, whether direct or indirect, (not being a contract to which you yourself are a party) has been or is proposed to be entered into by the council, then the council, through the Chief Executive, must be advised of your interest immediately. In addition, your attention is drawn to the statutory requirement that an Officer shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

17.3 If any other circumstances come to your attention whereby a conflict of interest may arise in relation to the performance of your duties with the council it is your responsibility to notify the Chief Executive accordingly and to make appropriate arrangements to avoid that conflict of interest.

18. **Staff Recruitment, Training and Development**

18.1 The principal resource of the council is its staff. As a professional and as a manager you have a responsibility to ensure that the practices followed in your Portfolio or Service in relation to recruitment conform to statutory and council requirements and that proper arrangements exist for training and staff development. Particular attention should be paid to council policies, including Equality and Diversity policies.

19. **Conduct and Example**

19.1 As a Chief Officer you should at all times conduct yourself in a manner befitting that post and seek to uphold the good name and reputation of North Lanarkshire Council.

19.2 You have a particular responsibility in terms of conduct and example for your staff. Chief Officers cannot expect commitment or enthusiasm from staff unless they show by example proper standards of conduct and diligence. This applies across the board to issues such as loyalty to the council, commitment to achieving council policy (including work outwith normal office hours as required from time to time), timekeeping, appearance and leadership.

19.3 You should treat with extreme caution any offer of gift, favour or hospitality which is made to you. It is difficult to make hard and fast rules about hospitality or tokens of goodwill. For example a working lunch may be a proper way of doing business provided that no extravagance is involved. As a general guide it is safer to refuse offers except (a) isolated gifts of a trivial character or inexpensive seasonal gifts such as a calendar or diary or other simple items of office equipment of modest value, or (b) normal hospitality directly associated with your duties and which you would not be embarrassed for others to be aware of. You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in you or the Council. Each Executive Director also has responsibility for maintaining a register of gifts and hospitality which should be updated with the relevant details of any offers which are accepted by employees in his Portfolio. Executive Directors require to advise each Service employee to report details of any gifts or hospitalities received for the purpose of the register with the exceptions of those described at (a) and (b) above. Employees should be made aware of the fact that their decisions on these issues may be subject to scrutiny and justification.

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Chief Executive

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