

Douglas



Douglas City Council

CODE OF CONDUCT FOR COUNCIL EMPLOYEES

FEBRUARY 2025

INTRODUCTION

Status of the Code

Under Article 10 of the Councils' Constitution:

"Officers will comply with the Officers' Code of Conduct set out in part 5 of the Constitution".

It is therefore a statutory recommendation for adoption by the Council from 12th February 2025.

It is desirable for the protection of the public and the protection of employees that guidance be given to employees as to the conduct expected of them. This Code provides guidance to assist employees in their day-to-day work and sets out the standards of behaviour expected, in compliance with the highest professional standards and in accordance with legislative requirements.

The aim of the Code is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding.

FRAMEWORK OF THE CODE

The public is entitled to expect the highest standards of conduct from all employees who work for local government and this Code has been developed in line with best practice, existing legislation and the following guidance.

The provisions of this Code apply to all staff employed by the Council in the performance of their duties on a day-to-day basis including any additional offices to which they may be appointed in their capacity as an employee (see Appendix 1, page 13 - 14 for a definition of employee/member of staff).

OFFICIAL CONDUCT

Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.

Similar provisions are incorporated in the National Conditions of Service of Chief Executive and Chief Officers.

PRINCIPLES OF CONDUCT

This Code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee on Standards in Public Life (established in October 1994) and the four further principles of conduct that have been adopted by best practice. Both emphasise that those in public life should practice:

- Selflessness – Officers should act solely in terms of the public interest.
- Integrity – Officers must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- Objectivity - Officers must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- Accountability – Officers are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- Openness – Officers should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- Honesty – Officers should be truthful.
- Leadership - Officers should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.
- Equality – Officers should promote equality of opportunity and not discriminate against any person, treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
- Promoting Good Relations - Officers should act in a way that is conducive to promoting good relations by tackling prejudice, promoting understanding and respect and encouraging participation between people on the grounds of different religion, political opinion, race, gender, age, sexual orientation and disability.
- Respect – Officers should show respect and consideration for others at all times.
- Good Working Relationships - Officers should work responsibly with other officers and Elected Councillors for the benefit of the whole community. Officers' working relationships should at all times be professional, courteous and based on mutual respect.

MODEL CODE OF CONDUCT FOR EMPLOYEES

Standards of Behaviour, Impartiality and Conflicts of Interest

Council employees (see Appendix 1, page 13 - 14 for a definition of employee/member of staff) are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standard of service to the public. Where it is part of their duties to provide appropriate advice to Councillors and fellow employees this must always be done with impartiality.

Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service or illegal or unethical conduct (see page 11 - Raising Concerns which provides more detail about an employee's responsibilities in this regard).

Responsibility is placed on every member of staff to disclose to the Assistant Chief Officer (Democratic Services) [ACO (DS)] every potential conflict of interest in which they may be involved. Employees must adhere to the requirements regarding declaration of interests which are set out in the Local Government Act (1985) s 12 and s 13 and must declare any new interests to the ACO (DS) as soon as they become aware of them. They also have a responsibility to advise their new line manager if they change their role/position in the Council. For further information, employees should also refer to the Local Government Act, 1985: Section 23. Disclosure by officers of interest in contracts and the SOLACE Local Public Services Senior Managers: Code of Ethics.

In general employees' private interests should not have the potential for allegations of impropriety or partiality which might bring the Council into disrepute. This includes standards

of behaviour outside the working environment where the employee is known to be an employee of the Council. This also extends to the use of social media outside of work. Further information can be found in the Council's Digital and Information policies and procedures.

Employees should not use their official position, or information acquired in their official duties, to further their private interest or those of others.

Employees must report to the ACO (DS) or Chief Executive any impropriety or breach of the terms of this Code.

DISCLOSURE OF INFORMATION

The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public (see Appendix 1, page 13 for examples). The Council itself may also decide to be open about other types of information.

The Council should therefore make clear to employees:

- the types of information which must be made available, and to whom;
- the types of information which the Council has voluntarily made open, and to whom;
- The types of information which the Council does not wish to be disclosed without specific permission.

The law also requires that personal information held about individuals must be treated in accordance with the General Data Protection Regulation and LED Implementing Regulation 2018 (GDPR) and the Data Protection Act 2018. Employees must ensure that they process data lawfully in accordance with the data protection principles. The Freedom of Information Act 2015 also gives a right of access to information held by public authorities in accordance with the provisions of the Council's publication scheme.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. This could be a potentially criminal or fraudulent act.

Any particular information received by an employee from an individual, (including a Councillor) which is personal to the individual should be kept confidential, except where such disclosure is required or sanctioned by law, for example, where an individual shares information which may be a safeguarding issue, this must be shared with the relevant agency, or where the individual provides their permission to disclose the information.

POLITICAL NEUTRALITY

Employees serve the Council as a whole. They must serve all Councillors equally, and not just those of a particular group, and must ensure that the individual rights of all Councillors are respected.

Some employees may be required to advise political groups. In providing this advice, employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested.

All employees must not let their own personal or political opinions interfere with their work. While the Council recognises and respects the rights of all employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest for their role within the Council. This does not compromise an officer's rights in relation to collective trade union representation and engagement, and lawful trade union activity.

An employee of a Council cannot stand, be elected or co-opted as a Councillor for the Council in which they are employed. An employee may stand and be elected as a Councillor in a Local Authority different to that which they are employed by (provided they do not hold one of the prescribed offices or employments outlined in the Elections (Keys and Local Authorities) Act 2020.

POTENTIAL CONFLICT OF INTEREST SITUATIONS

As specified on page 3 - Standards of Behaviour, Impartiality and Conflicts of Interest, staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute.

Appendix 2 on page 17 sets out the Council's Declaration of Interest Form, for staff to declare their interests.

In particular, attention is drawn to the following examples of situations where potential conflicts of interest can occur:

Relationships with Councillors

Employees are responsible to the Council through its senior managers and in many cases in carrying out their duties they also give advice to Councillors. Mutual respect between employees and Councillors is essential to good local government.

Employees should deal with Councillors in a polite, professional and efficient manner.

This does not compromise an employee's rights as a ratepayer to access and/or question the provision of Council services to them through open and transparent Council procedures, for example, in relation to a planning or refuse collection issue.

Employees should report to an appropriate manager if a Councillor attempts to pressurise them to deal with a matter which is not in accordance with Council procedure or policy.

Employees who have concerns about whether there is a potential conflict of interest should raise the matter with the ACO (DS).

For further advice and guidance, refer to the Employee and Councillor Working Relationship Protocol attached at Appendix 3, page 19.

Contact with the Community and Service Users

The community and service users have a right to expect a high standard of professional service from the Council. Employees have a responsibility to the community they serve and should, ensure courteous, effective and impartial service delivery to all groups and individuals within the community.

Employees should always try to be positive, constructive and inclusive. This may require reasonable adjustments for effective communication with people with disabilities in accordance with the provisions of the Disability Discrimination Act 2006. In addition, the language needs of someone whose first language is not English need to be considered.

Employees also have a right not to be verbally or physically abused by the community and service users. Any incidents should be reported immediately to the employee's line manager.

Relationships with Contractors and Planning Applicants

All relationships with external contractors or potential contractors or applicants for planning consent must be made known to the appropriate manager. Similarly, any beneficial interest

or licence in respect of land which is affected by a planning application must be made known to the ACO (DS).

Orders and contracts, input into planning decisions must be decided on merit and no special favour should be shown in the procurement process to any businesses or potential suppliers particularly those run by, for example, friends, persons to whom the employee owes (or is owed) an obligation, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 13 - 14 for a definition of family relationship).

Employees who deal with, engage or supervise contractors or process or determine applications under delegated powers with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to the ACO (DS) as soon as they are aware and a decision on their suitability to be part of the process should be made and recorded.

Employees must not accept money or any other reward from any organisation, body or individual who may benefit from work or funding provided by the Council. To do so would, in law, be corrupt.

Bribery & Corruption

Under the Bribery Act 2013 it is a serious criminal offence to: -

- offer, promise or give someone a reward to induce them to perform their functions or activities improperly.
- accept, agree to accept or request a reward in return for performing a relevant function or activity improperly.
- bribe a public official in order to win business, keep business or gain business advantage for the organisation.

APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

Employees involved in appointments should at all times act in accordance with the Council's Officer Employment Procedure Rules on Recruitment and Appointment (Code of Procedures) and Recruitment Policies.

The Code of Procedures at Part 4, Section (5) – Declarations, page 1, section 1B: states:

"Any applicant for appointment as an officer is required to state on the application for employment whether they are related to an existing Councillor or Officer of the Council."

And

"An applicant who fails to disclose such a relationship will be disqualified from the appointment, and if appointed will be liable to dismissal without notice."

"The purpose of such disclosures is to ensure openness, probity, equality and effectiveness of management, and Councillor / Officer relationships."

Similarly, employees should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee with whom they have a close personal relationship, a person to whom the employee owes (or is owed) an obligation, partner or person where a family relationship is deemed to exist (see Appendix 1, page 13 - 14 for a definition of family relationship). For further examples of Potential Categories of Interests see Appendix 1, page 14 & 15.

Employees should declare an interest and, if appropriate, remove themselves from discussions or meetings where they personally could potentially be a beneficiary and/or be impacted by decisions made.

OUTSIDE COMMITMENTS

Employees must not have any external business, external employment or external appointment without advising their line manager. Employees should adhere to the requirements regarding declaration of interests (seeking clarification from their line manager if required) if any of the following apply to the business, employment or appointment, and engagement in it would, in the Council's view:

- not be in the Council's interests;
- put the employee in a position where duty to the Council and external interests would conflict, or are likely to conflict; or
- weaken public confidence in the impartiality of the Council or in the effective conduct of the Council's work.

Engagement in any external business, employment or appointment will be deemed to act detrimentally to the Council's interests where it may give rise to or contribute to an employee's sickness absence, or deterioration in performance.

Employees should follow the Council's rules on the use of Council facilities including administrative or technical support, ownership of intellectual property or copyright created during their employment.

PERSONAL INTERESTS

Employees should review regularly their personal circumstances and take steps to deal with any potential conflict of interest (refer to Standards of Behaviour, Impartiality and Conflicts of Interest, page 3). As soon as they become aware of a potential conflict, employees must declare to an appropriate manager any financial or non-financial interests that they consider could bring about conflict with the Council's interests, for instance:

- Membership of an organisation receiving any aid from the Council.
- Membership of an organisation or pressure group which may seek to influence the Council's policies.
- Membership of an organisation which may seek to influence the performance of an employee in carrying out their duties.
- Having a beneficial interest in land which is within the Council's district and is subject to any planning application.
- Having a beneficial interest in a company which is seeking to or doing business with the Council.

Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends, persons to whom they owe (or are owed) an obligation, or family might benefit and should ensure that the matter is referred immediately to their line manager and the ACO (DS).

The Council recognises and respects the right of all employees to become members of organisations. However, employees must declare personal interests where there is, or could

be perceived to be, a conflict of interest between their duties as an employee and their membership of the organisation.

EQUALITY ISSUES

All members of the community, customers and employees have a right to be treated with fairness and equity.

In this regard employees must:

- be made aware of their obligations under Section 30 of the Isle of Man Equality Act 2017, other relevant equality law and the Human Rights Act 2001 (see Appendix 1, paragraph 4, page 15);
- co-operate with the Council in ensuring a neutral working environment and in the application of any policies agreed by the Council relating to equality issues;
- not take discriminatory action or decisions or encourage or put pressure on fellow employees to take discriminatory action or decisions; and
- report any concerns about discriminatory conduct to their line manager or other appropriate officer.

SEPARATION OF ROLES DURING PROCUREMENT

Employees involved in funding applications, the procurement process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. All employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. Employees who are privy to confidential information relating to the tendering process should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

Employees should ensure that, in awarding contracts, no special favour is shown to current or former employees or someone with whom they have a close personal relationship, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 13 - 14 for a definition of family relationship) or to businesses run by them or employing them in a senior or relevant managerial capacity. If any such relationship exists, a decision on the suitability of an employee to be part of the process should be made and recorded.

FRAUD AND CORRUPTION

Employees must be aware that, under the Bribery Act 2013, it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity (see Hospitality and Gifts).

Employees must adhere to the highest principles of integrity and must comply with all relevant policies in relation to expenses, travelling and mileage allowances.

Employees should also be aware of the Fraud Act 2017 and should refer to the Council's Anti-Fraud, Bribery and Corruption Policy.

USE OF FINANCIAL AND OTHER COUNCIL RESOURCES

Employees must ensure that they use public funds entrusted to them in a responsible manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

An employee who, in their role in the Council, is responsible for a budget and becomes insolvent or bankrupt, must inform their line manager and the Chief Executive promptly.

Council assets/resources are only to be used for Council business and not for any personal business.

HOSPITALITY AND GIFTS

Employees should only accept offers of hospitality or invitations to attend social or sporting functions where the Council should be seen to be represented. They must be properly authorised and recorded in accordance with the Council's policy.

If an employee is in any doubt about the propriety of accepting any hospitality, they should take advice from their line manager and / or the ACO (DS).

When hospitality has to be declined, those making the offer should be courteously advised of the procedures and standards operating within the Council. Offers of hospitality which are declined should also be recorded in the Gifts and Hospitality register.

Employees should not accept personal gifts from contractors, members of the public, outside suppliers and organisations or groups in receipt of funding from the Council, although the Council may wish to allow employees to keep items of token value such as pens, diaries etc.

When considering whether or not to accept authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality, for instance during a tendering period of a contract for which the provider may be bidding.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:

- it is clear that the hospitality is corporate rather than personal;
- any offers of hospitality are reported and agreed by the employee's line manager in advance, or
- where the Council is satisfied that any procurement decisions are not compromised.

Where a visit is necessary, to inspect equipment for example, the Council should consider meeting the cost of the visit to avoid jeopardising the integrity of the Council in subsequent procurement decisions.

SPONSORSHIP – GIVING AND RECEIVING

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service neither an employee nor any friends, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 13

- 14 for a definition of family relationship) must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

RAISING CONCERNS

If an employee becomes aware of activities which they believes to be illegal, improper, unethical, dangerous 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 (Prescribed Persons) Order 2021, in line with the Council's Raising Concerns Policy and Health and Safety Policies.

Any employee raising such concerns need have no fear of recrimination. Employees will be properly supported, and the Council will do everything possible to keep the matter confidential.

BREACHES OF THE CODE OF CONDUCT

Any breach by an employee of any part of the Code of Conduct or its supporting policies and guidance may be a disciplinary matter, which could lead to loss of employment. Some breaches of the Code could result in referral of the matter to the Isle of Man Constabulary, which could lead to criminal prosecution.

APPENDICES

Appendix 1

LEGAL AND OTHER PROVISIONS RELATING TO THE CODE OF CONDUCT

1. Disclosure of Information (paragraph 4.2, page 9)

Data Protection Act 2018

Freedom of Information Act 2015

Part 4 Rules of Procedure, Sections (2) of the Constitution deals with Access to Information
Procedure Rules: Clause 7.

Obligations of Discovery in connection with litigation. Rules of the High Court of Justice 2009

Human Rights Act 2001

General Data Protection Regulation 2018

2. Potential Conflict of Interest Situations (page 6 - 10)

Persons who owe you an obligation, or to whom you owe an obligation – this might include a debtor, creditor, fellow member of an organisation.

Very close personal relationships may also create a conflict, e.g. a good friend.

Family Relationship

For the purposes of the Code of Conduct, a relevant family relationship shall be deemed to exist between an officer and another person if they are:

- Married
- Civil Partners
- Cohabiting as if they were married
- Cohabiting as if they were civil partners (partners)

Or the other person is a biological, adopted, foster or step relative to an officer or of that officer's married partner, civil partner, or partner under one of the following categories:

- Child
- Parent
- Sibling
- Son-in-law or Daughter-in-law
- Mother-in-law or Father-in-law
- Sister-in-law or Brother-in-law
- Uncle or Aunt
- Nephew or Niece
- Grandson or Granddaughter
- Grandparent

For the avoidance of doubt, a personal relationship for the purposes of the Code of Conduct includes:

- a family relationship other than that specified above
- a business/commercial/financial relationship
- a sexual/romantic relationship
- a friendship

Potential Categories of Interest relating to Additional Employment

The following guidelines have been based on the Civil Service conflict of interest guidelines relating to additional employment

The following deals with mitigating the conflict of 'being an employee, director, partner of another business or organisation, or pursuing a business opportunity':

"If an employee above Grade 6 wishes to undertake any work (paid or unpaid) with another employer they must first advise their line manager and Chief Executive.

No remunerative private work of the following description may be undertaken:

- a. work which would occupy your time or attention or render you unavailable for duty during contractual hours;
- b. work identified in any way with the activities of a political party, group or Organisation;
- c. work of an educational, literary or scientific nature involving the use of information acquired by you in your official capacity or from official sources, except where it has previously been published, unless you have received the permission of your employing department to undertake such work;
- d. work of a nature conflicting with your duty to the Council;
- e. work which may ultimately have to be reviewed by you or any member of the Council acting in an official capacity;
- f. work, related to your function, which an employee of the Council might otherwise justifiably undertake, but which is of such a scale as to involve unfair competition with persons wholly dependent on such work for a livelihood;
- g. work which would involve the use of the property, tools, equipment or materials of the Council; and
- h. work which is, or might be, inconsistent with your position as a public servant and may expose you or the Council to public criticism.

3. Appointments and Other Employment Matters (paragraph 4.5, page 13)

Code of Procedures on Recruitment and Selection

Part 1B – Rules of Procedure. Officer Employment Procedure Rules recommends actions to ensure that appointments are made under the merit principle.

Section 21 and 22 of Local Government Act 1985 deals with appointments to Councils.

4. Equality Issues (page 9)

Legislation

- The Employment (Amendment Bill) 2023 (come into force April 2025)
- The Equality Act 2017
- The Equality Act 2017 Age Section 6(1)
- Equality Act 2017 (Sex Equality Rule) (Exceptions) Regulations 2018
- The Equality Act (Guidance on the Definition of Disability) Appointed Day Order 2020
- Disability Discrimination Act 2006
- The Equality Act 2017 Race Section 10(1)(a) – (d)
- Rehabilitation of Offenders Act 2001 and Rehabilitation of Offenders Act 2001 (Exceptions) (Amendment) Order 2020
- Equality Act Equal Pay Section 56 - 58
- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2007
- Parental Leave (Disabled Child) Regulations 2007
- Human Rights Act 2001
- General Data Protection Regulation 2018

5. Fraud and Corruption (page 10)

Section 23 of the Local Government 1985 deals with the declaration of interest where an employee has a pecuniary interest and with recording of such interests. Not to do so will be an offence.

Section 23(3) of the Local Government Act 1985 forbids employees to accept payment apart from their salary/wage.

KEY TERMS USED IN THE CODE OF CONDUCT

Employee/s or Member/s of Staff

The terms employee/s or member/s of staff should be taken to mean any individual/s employed by a Council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Code also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the Council.

Appendix 2 –

Councils' Declaration of Interest Form



GENERAL/PECUNIARY
DECLARATION OF INTEREST
– VALID UNTIL
WITHDRAWN

Douglas City Council

Local Government Act 1985

DECLARATION OF INTEREST

Interest declared by:

To: The Chief Executive, City Hall, Douglas.

Date:

INTEREST IN	NATURE OF INTEREST

I hereby declare my interest in the above, to be held in the Register of Members'/Officers' interests until withdrawn by me.

Signature.....

12 Pecuniary interests for purposes of section 11

[P1972/70/95]

- (1) For the purposes of section 11 a person shall be treated, subject to subsections (2) and (3) and to section 14, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if —
 - (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made, or which has a direct pecuniary interest in the other matter under consideration; or
 - (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.
- (2) Subsection (1) does not apply to membership of or employment under any public body, and a member of a company or other body shall not by Local Government Act 1985 Section 13 c AT 24 of 1985 Page 17 reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.
- (3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 11 to be also an interest of the other.
- (4) In the case of civil partners living together the interest of one civil partner, shall, if known to the other, be deemed for the purpose of section 11 to be also an interest of the other.⁴⁴

13 General notices and recording of disclosures for purposes of section 11

[P1972/70/96]

- (1) A general notice given in writing to the clerk of the authority by a member thereof to the effect that he or his spouse or civil partner is a member or in the employment of a specified company or other body, or that he or his spouse or civil partner is a partner or in the employment of a specified person, or that he or his spouse or civil partner is the tenant of any premises owned by the authority, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after the date of the notice.⁴⁵
- (2) The authority shall cause to be recorded in a book to be kept for the purpose particulars of any disclosure made under section 11 and of any notice given under this section, and the book shall be open at all reasonable hours to the inspection of any member of the local authority.

In addition to our responsibility under Section 13 (2) LGA and following a Select Committee of Braddan, the register should contain each member of staff, to include property ownership in the parish and business interests of them and their families.

⁴⁴ Subs (4) added by Civil Partnership Act 2011 Sch 14.

⁴⁵ Subs (1) amended by Civil Partnership Act 2011 Sch 14

**Employee and Councillor
Protocol for Councillor / Officer Relations**

1. Introduction

- 1.1 The Local Government Act 1985 (the Act) creates an ethical framework for local government, a key element of which is the introduction of a mandatory Code of Conduct for Councillors.
- 1.2 The Act imposes a mandatory requirement for Councillors to observe the Councils Code of Conduct for elected Councillors and elected Independent Members (the Councillor Code), which establishes mechanisms for the investigation and adjudication of complaints and for appeals. The Code came into force on 1st December 2024.
- 1.3 The Council is responsible for issuing the Code of Conduct for Employees (the Employee Code) and is due to come into effect from 1 January 2025.
- 1.4 The Council has already established policies and procedures to resolve issues that Employees (for the purpose of this protocol the term 'Employees' or members of staff should be taken to mean any individual employed by the Council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Protocol also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the Council), may encounter in the workplace. This protocol does not override any existing Employee policies or legal obligations but seeks to clarify the expected working relationship between Councillors and Employees. The purpose of this protocol is to guide Councillors and Officers of the Council in their relations with one another.

2. Purpose

- 2.1 The protocol is intended to set out the working relationship between Councillors and Employees of Councils. It relates to all aspects of the working environment, both physical and virtual. The protocol also advises of the steps to be taken to deal with concerns at an early stage to reduce negative impacts upon Councillors or Employees and ensure the prompt resolution of any difficulties which may arise. All issues raised under the remit of this protocol must be dealt with in the strictest confidence.
- 2.2 Officers should respect the role of the Authority's Councillors and treat them with courtesy at all times. The principle also applies to Councillors and their relationships with Officers.
- 2.3 Both Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their Committees and sub-Committees.

- 2.4 Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers. It can also damage the public perception of the integrity and objectivity of the organisation and should be avoided.
- 2.5 It is essential that Officers are respectful to Councillors in their official capacity and attend to Councillors requests, through Chief Officers, in a timely and efficient manner.
- 2.6 In their dealings with Officers (especially junior employees) Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified when Councillors hold official and/or political office.
- 2.7 A Councillor should not apply undue pressure on an Officer either to do anything that they are not empowered to do, or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 2.8 If a relationship exists between Councillors and Officers which could give the appearance of bias, then advice should be sought from the Chief Executive or ACO (DS).
- 2.9 The protocol should also assist in furthering and developing a harmonious working environment with positive, constructive and professional relationships between Employees and Councillors.
- 2.10 The protocol reflects the content of both Employee and Councillor Codes of Conduct that demand the highest standards of personal conduct at all times. It upholds the seven Nolan Principles and the additional principles of public life: -
- Public Duty - have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them; to act in the interests of the community as a whole.
 - Selflessness - should act in the public interest at all times and should take decisions solely in terms of the public interest. They should not act in order to gain financial or other material benefits for themselves, their family, friends or associates.
 - Integrity - should not place themselves under any financial or other obligation to outside individuals or organisations, which might reasonably be thought by others to influence them in the performance of their duties.
 - Objectivity - in carrying out public business, including considering public appointments, awarding contracts, or recommending individuals for rewards and benefits, they should make choices on merit.
 - Accountability - are accountable to the public for their decisions and actions and for the way that they carry out their responsibilities and must submit themselves to whatever scrutiny is appropriate to their office.

- Openness - should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions when required and restrict information only when the wider public interest clearly demands it.
- Honesty - should act honestly. They have a duty to declare any private interests relating to their public duties and should take steps to resolve any conflicts between their private interests and public duties at once and in a way that protects the public interest.
- Leadership - should promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the public, to ensure the integrity of their Council in conducting business.
- Equality - should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
- Promoting Good Relations - should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equality and embrace diversity in all its forms.
- Respect - Employees and Councillors are reminded that it is acknowledged that the exchange of ideas and opinions on policies may be robust, but this should be kept in context and not extended to individuals being subjected to unreasonable and excessive personal attack. They should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Employees, Councillors and Councils, they should therefore show respect and consideration for others at all times.
- Good Working Relationships - Councillors and Employees are servants of the public and are interdependent upon one another. But their responsibilities are distinct. Employees are ultimately responsible to the Chief Executive²; Councillors are responsible to the electorate. The working relationship between Councillors and Employees must at all times be professional, courteous and based on mutual respect and trust. Neither party should seek to take unfair advantage of their position. All Councillors and Employees are responsible for ensuring they understand what behaviour is required of them, complying with respective Codes of Conduct.
- Both share a responsibility for understanding sensitivities and feelings of others and avoiding behaviour that could cause offence or distress.

3. The Roles of Councillors and Officers

3.1 Understanding and having respect for each other's roles is fundamental to successful and effective working relationships.

3.2 Councillors

Councillors have a number of different roles as follows:

- Politician – belonging to a political group, and supporting the political values of that group;

- Policy Maker – Councillors have personal and collective responsibilities for the Council's activities. They set the direction of the Council; are responsible for ensuring that adequate management arrangements are in place; develop and allocate the Council's physical, financial and human resources and monitor the performance and effectiveness of the organisation;
- Community Representative/Community Leader – Councillors interpret and express the wishes of the electorate and are accountable for determining local authority service priorities, the allocation of resources and the ultimate performance of the Council. As democratically elected community representatives, they scrutinise and monitor the quality of Council services, and can influence other statutory agencies, businesses and voluntary organisations to meet the needs of their community;

[² A Chief Executive is also an employee and is ultimately responsible to the Council]

- Ward Representative – Councillors have a duty to represent the interests of their Ward and all their constituents;
- Representative of the Council – on outside bodies ranging from Local Authority associations and joint committees to local charities and trusts; the role varies from representing the Council's views to acting according to individual judgement. Councillors should behave and conduct themselves in a way which is consistent with the General Principles of Conduct in their work with and on behalf of other organisations as well as in carrying out their Council duties.

3.3 Councillors, collectively, have a role to:

- Determine vision and values, and ensure staff commitment and motivation;
- Ensure standards are properly established and monitored;
- Link service and corporate objectives;
- Ensure Council policies and service planning are based on community needs and priorities;
- Develop and support the Authority's links and relationships with other local agencies and organisations in order to promote the interests of the Borough and its residents;
- Ensure that public funds are used efficiently and properly to meet community needs;
- Ensure that the Council carries out its statutory duties and fulfils its legal obligations.

3.4 **Officers**

Officers of the Council have, in broad terms, the following main roles:

- Developing and recommending policy proposals as well as being implementers of policy;
- Assisting in initiating policy and management proposals, in conjunction with the relevant Council Leader and Chair;
- Managing the services for which the Council has given them responsibility. They are responsible for the efficiency and effectiveness of those services and for proper professional/managerial practice in discharging their duties and taking decisions, within agreed policy.

- Providing professional/managerial advice to the Council and Committees, and Councillors and the public in respect of Council services.
- Ensuring that the Council acts in a lawful way;
- Delivering services in accordance with Council policies and service standards and values.

3.5 **Working Relationships**

Councillors can expect Officers to:

- Behave and conduct themselves appropriately and to maintain the highest standards of integrity including acting impartially and declaring, and where appropriate not participating in matters, when they have a personal or private interest;
- Maintain confidentiality;
- Perform their duties effectively and efficiently;
- Behave in a 'professional' manner;
- Be politically impartial in carrying out their Council duties;
- Provide readily available non-confidential information on request;
- Be helpful to Councillors and respect their roles;
- Be pro-active in informing Councillors of matters coming to their knowledge which are likely to affect the residents of the Ward that they represent;
- Observe the Council's consultation, public participation, open government, equal opportunities and other relevant policies in carrying out their duties, and ensure such policies are incorporated in all Council activities as appropriate.

3.6 Officers can expect Councillors to:

- Behave and conduct themselves in an appropriate way and to maintain the highest standards of integrity in serving the public interest;
- Respect and understand the requirement upon Officers to serve the Council as a whole in an impartial and non-political manner;
- Promote respect for the role of Officers;
- Make any criticism of reports or of actions taken by Officers in a constructive manner.

3.7 The Council has adopted a Bullying and Harassment Policy which applies equally to Councillors and Officers. Councillors and Officers must be mindful of the importance of the Policy and be aware of the implications for the Council of breaches of the Policy.

4. **AT MEETINGS**

4.1 At all times, Councillors and Officers should show respect for one another. Although Councillors are entitled to question Officers at meetings and require them to justify their actions, any criticism should be constructive and well-founded. Officers should have the opportunity to explain what appears to be a performance failure or inconsistency. Officers should present information at meetings in an impartial and constructive manner.

- 4.2 Councillors are able at any time by arrangement to meet Officers to discuss any aspects of the Council's business. Councillors should recognise that Officers' workloads frequently require extended periods of concentration or involve tight deadlines.
- 4.3 Members of the public or representatives of external organisations will occasionally ask to meet a Councillor or the Chair of a Committee about a matter which is currently under consideration. The Councillor should notify the relevant Director or the Chief Executive of this, and the Officer will brief the Councillor as may be necessary.
- 4.4 Officers will arrange many meetings with colleagues or third parties to carry on the business of the Council and to action its decision. Councillors will not normally attend these meetings but will be advised, either informally or through reports to the Chief Executive or Committees, of any relevant discussions.

5. Conduct of Employees towards Councillors

- 5.1 Employees must treat all political groups and individual Councillors equally, fairly and remain politically neutral at all times. Employees will provide professional, impartial and effective support, to enable Councillors to fulfil their role, in and on behalf of, the Council. Employees will not seek to influence or lobby a Councillor with regards to personal issues.
- 5.2 It is important that there should be good working relationships between senior Council employees and Chairs of Committees / Mayors. However, such relationships should not be allowed to become so close as to cast doubt either on an officer's ability to deal impartially with other Councillors, or the Chair/Mayor's ability to deal impartially with other employees.

6. ACCESS TO INFORMATION AND ADVICE

- 6.1 It can be helpful to Councillors and Officers alike for there to be direct communication between Councillors and Officers at all levels. However, Councillors and Officers alike must ensure that appropriate conventions are observed in such contacts and not seek to use them to exert improper influence.
- 6.2 If a Councillor is aware that a request may be sensitive or complex, they should refer the matter to the Chief Officer and avoid making the request inappropriately to a junior officer. Similarly, Officers must not by-pass or use their access to Councillors to lobby on specific issues or in a way that could undermine normal management or supervisory arrangements. In case of any doubt, both the Councillors and Officers concerned have a responsibility to ensure that the Chief Officer or a senior manager is aware of what is being communicated. Whilst Officers should always seek to assist a Chair or any other Councillor they must not, in so doing, go beyond the bounds of their authority

7. COMMUNICATION AND PUBLICITY

- 7.1 Publicity and other material issued by or on behalf of the Council must not be party political. Publicity about individual Councillors' proposals, policies or decisions should be relevant to their position within the Council, objective and explanatory and should avoid personalisation of issues or personal image making.
- 7.2 The period between the notice of an election and the election itself should preclude

'pro-active' publicity, in all forms, of candidates and other politicians involved directly in the election, i.e., publicity initiated by the Council, not arising in response to external events. 'Pro-active' events arranged in this period should not involve Councillors likely to be standing for elections. However, it is appropriate for Councillors holding key political or civic positions to be able to comment in an emergency or where there is a genuine need for a Councillor-level response to an important event outside the Council's control.

- 7.3 Where Councillors wish to express political views, they should ensure that it is clear their comments are made personally and do not necessarily represent the views of the Council as a whole.

8. **THE MEDIA**

Councillors have freedom to contact and discuss issues with the media but must have regard to their conduct relating to breaches of confidentiality and the need to represent the Council's best interests. It is also important that Councillors stress to reporters, when giving a personal view on an issue, that their views may not reflect Council policy. Councillors who issue press releases or make statements to the press or the general public or part of it, without firstly seeking Officer guidance, may be personally liable if there are subsequently claims made for defamation, or if another party acts on incorrect information about a Council decision or proposals given by a Councillor.

9. **ACTION/DECISIONS MADE UNDER DELEGATED AUTHORITY**

Chief Officers have delegated responsibility for the general management of their Department and the day-to-day delivery of services. They also have powers and duties specifically delegated to them as well as a general delegated authority for executive functions which are not identified in the Council's constitution as being reserved for Councillor-level decision. Within this framework, decisions are frequently delegated below Chief Officer level. While Officers will be sensitive to political guidance on how they exercise their delegated authority and will always consider requests and comments by Councillors, all delegated action must be in accordance with overall Council policies.

10. **PERSONAL AND SOCIAL RELATIONSHIPS**

It is important that Councillor and staff relationships are correct and businesslike. There will be occasions when Councillors and Officers come into contact outside the Council's business and in such circumstances professional and personal matters must be kept separate.

11. **Complaints Procedure**

11.1 In the event that a Councillor wishes to raise either an informal or formal complaint regarding the conduct or behaviour of an Employee, the following process should be followed:

Informal Approach

11.2 A Councillor should seek to raise the matter in the first instance with the relevant Head of Service or Director who should seek to resolve the matter with the Employee concerned. The Councillor must not engage directly with the Employee, nor make any attempt to reprimand or discipline the Employee.

11.3 If the matter is about the conduct of an Employee at Head of Service or Director Level, the Councillor should address their concern to the Chief Executive.

11.4 The Head of Service/Director/Chief Executive will undertake to resolve the matter through discussions with the Employee concerned and report on the outcome to the Councillor.

Formal Approach

11.5 If the Councillor is unhappy with the outcome of the informal approach or considers the initial complaint to be of a serious nature, they should raise the matter with the relevant Director and make the Leader aware of the complaint.

11.6 The relevant Director (or Chief Executive if applicable), will ensure the matter is investigated according to the relevant Council procedures consulting with appropriate human resource sections.

11.7 The outcome of the investigation may result in: -

- no further action being required,
- a verbal or written apology to the Councillor with an acknowledgement by the Employee that their conduct failed to meet the agreed standard and an undertaking that there will be no recurrence or
- Referral for consideration under the Council's disciplinary procedure.

11.8 The Director (or Chief Executive if applicable), will write to the Councillor and Leader, advising of the outcome.

11.9 The Employee will be informed in accordance with the relevant Council procedures.

11.10 If the complaint is in relation to the Chief Executive the procedures specified in the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities or the appropriate mechanism at that time will be followed.

12. Conduct of Councillors towards Employees

12.1 Councillors' engagement with Employees must be equitable, reasonable, courteous and respectful and ensure that the impartiality of Employees is not compromised. Councillors must abide by their Code and their Council's standing orders.

Procedure

12.2 In the event that an Employee wishes to raise either an informal or formal complaint regarding the conduct or behaviour of a Councillor, the appropriate support must be provided by their respective line manager, and the following procedure should be followed:

Informal Approach

12.3 An Employee should seek to raise the matter in the first instance with their relevant Head of Service or Director, providing details of the incident that has occurred. The Employee must not engage directly with the Councillor. If necessary, the Head of Service or Director may involve the Leader, if relevant.

12.4 The Head of Service or Director will undertake to resolve the matter through discussions with the Councillor concerned and report on the outcome to the Employee and the Chief Executive.

Formal Approach

12.5 If the Employee is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature, they may wish to consult with their recognised Trade Union representative, if applicable prior to raising the matter formally (verbally or in writing) with the relevant Director. The Employee and their representative may also raise the complaint directly with the ACO (DS) in the Council.

12.6 The relevant Director or ACO (DS) will ensure the matter is investigated according to the appropriate Council investigatory process.

12.7 The Councillor and Leader will be advised of the complaint and should agree to co-operate with the investigation to establish the facts.

12.8 The outcome of the investigation may result in: -

- no further action being required, or
- a verbal or written apology to the Employee either privately or publicly with an acknowledgement by the Councillor that their conduct failed to meet the agreed standards and an undertaking that there will be no recurrence.

12.9 If the Director or ACO (DS) considers that the circumstance of the complaint is sufficiently serious or a pattern of behaviour emerges, they may recommend to the Chief Executive that the matter is raised at a formal meeting with the Leader. The minutes of this meeting should be presented to the Standards Committee for consideration.

12.10 The Director or ACO (DS) will write to the Employee (and where appropriate their recognised Trade Union representative) advising of the outcome. If the Employee is unhappy with the outcome, they may request that their complaint be reviewed by the Chief Executive. The Chief Executive will review the complaint and advise the Employee (and their Trade Union representative) of their decision.

12.11 The Councillor and the Leader will be notified of the outcome of the investigation for information.

12.12 If the complaint is against the Leader, the Chief Executive will notify the Mayor.

(To note: This protocol does not preclude an Employee, at any time, if they think it necessary, to write to the Tynwald Commissioner for Administration setting out how, in their opinion, a Councillor has breached the Code following the completion of the internal procedure).

This protocol is the interface between current Councillor and Employee Codes of Conduct, which require the highest standards of personal conduct, including activities on social media, to be maintained at all times.