

# Code of conduct and registration of interests

## For Commissioners, staff, consultants, contractors and agency workers

### Document status

<b>Abstract</b>	This document outlines the Commission's standards of conduct applicable to all Commissioners, staff, consultants, contractors and agency workers.
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### Related documents

<b>Related legislation</b>	Local Democracy, Economic Development and Construction Act 2009
<b>Related policies/procedures (available via the 'Policies' button on SharePoint)</b>	<a href="https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies">The Nolan Principles (The 7 principles of public life)</a> <a href="https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies">https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies</a> Corporate governance framework Anti-fraud policy Whistleblowing policy ICT acceptable use policy Fees & expenses policy Dignity at work policy Behaviours charter

## Document revision

Version	Date	Revised by	Purpose of issue	Summary of changes
V3.1	08/05/2019	Karen Cleverly	Revision of 2017 Document	Update to way policies now available on SharePoint; update to legislation; redraft para re hospitality; amended re publishing gifts and hospitality.
V3.2	30/05/2019	Karen Cleverly	For Commission approval	Updated with ARC comments from its meeting on 20/05/2019
V4	22/07/2019	Karen Cleverly	Final version. For upload to SharePoint	Updated with minor amendments from Commission on 18/06/2019.
V4.1	24/09/2019	Karen Cleverly	For issue	Minor amendments to section 4, to make clear it relates to staff as well as Commissioners
V5.0	25/02/21	Lynn Ingram	Bi-annual review	Minor changes and clarification
V6.0	03/02/23	Dean Faccini	Bi-annual review	Minor changes to layout and grammar. Update to the Declaration page that reflects the Mandatory Read process.
V7.0	20/01/2024	Dean Faccini	Scheduled review	Minor amends and addition of reference to the dignity at work policy and behaviours charter

## Document distribution / approval

Name	Title	Purpose
LT	Management Team	For comment
ARC	Audit and Risk Committee	For comments
Commission	Commission	For approval
All staff and Commissioners		Final version for distribution

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## 1 Background

The Local Government Boundary Commission for England (The Commission) is an independent body set up under the Local Democracy, Economic Development and Construction Act 2009. Commissioners, and the Commission as a body, are accountable to Parliament. Within the Commission, Commissioners are accountable to the Chair. Staff and consultants, contractors and agency workers are responsible, in the first instance, to their line manager or hiring manager and, ultimately, to the Chief Executive. The Chief Executive is accountable to the Commission Board.

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

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

### General expectations

- Commissioners and staff should conduct themselves in accordance with the 'Nolan' principles of public life. They must not use their position to accept or attempt to obtain any payment or other consideration (for themselves, their family, or friends or associates) that might be seen to compromise their personal judgment and integrity; nor should they take any action that may be perceived as showing favour or disfavour to any person or organisation. Commissioners and staff must also be mindful of their obligations to handle information obtained during their work with care, and not to divulge confidential or sensitive information.
- Commissioners are appointed for their skills and experience, which will often include activities that have a bearing on the Commission's work or be in related fields or organisations. It would be perverse to exclude the benefit this can bring. However, it is important to exclude and be seen to exclude any special knowledge or interest, which would not be openly tested in the way other material on which the Commission bases its decisions is, or which could reasonably incur perception of partiality or favour (or the converse).
- Commissioners must consult the Chair and/or Chief Executive before accepting other appointments which might affect their role, directly or indirectly.
- Staff are required to obtain the prior approval of the Chief Executive before accepting appointments which might affect their work, directly or indirectly, or which might in any way conflict with the interests of the Commission. Staff are required to register all interests which may give rise to conflict with their role at the Commission, such as paid or unpaid external appointments, consultancy, trusteeships, directorships, advisory or voluntary roles. If you have any doubts

or queries on conflict of interest, you must raise them promptly with the Chief Executive or a Director who will advise if they need to be registered. The register of interests of staff (other than of the Chief Executive and Directors, as dealt with below) will be kept by the Business Team.

- This code deals with matters of conduct and forms part of the terms and conditions of appointment to, or employment or engagement by, the Commission. Commissioners and staff should familiarise yourself with it and act in accordance with its principles.
- Compliance with this code is mandatory. On breach of the code by a Commissioner, the Chair will take whatever action they see fit in the circumstances. Breach of the code by a member of staff may result in disciplinary action, including the possibility of dismissal or, in the case of consultants and agency workers, immediate termination of the engagement.
- Commissioners and staff are also expected to abide by the Commission's other policies and procedures which are available on the SharePoint home page. Policies are designated as 'mandatory read' for staff and Commissioners and must be confirmed as read.
- Although this code is applicable to consultants, contractors and agency staff undertaking work on behalf of the Commission, it does not form or imply a contract of employment. At no time, shall the consultant, contractor or agency worker become an employee of the Commission.
- In the remainder of the code, all references to staff include consultants, contractors, and agency staff, unless it says otherwise; and references to Commissioners include the Independent Member of the Audit and Risk Committee.

## **Specific requirements:**

### **2 Registration of interests**

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

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

Commissioners, the Chief Executive and Directors should also register any local authority area in which they live or have a home, or work, or are entitled to be registered to vote; and any local authority by which they have been employed, or engaged as a contractor or consultant, within the last five years. It may be more practical for a Commissioner who has had occasional dealings with various authorities to record this fact in the register, without listing each instance.

In registering interests, you should seek to anticipate local connections that may require a declaration of interest to be made at a meeting where reviews are discussed. Such declarations will need to be included in a registration of interests. Any interest declared at a meeting that was not already covered by registration will normally be added to the register.

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

Returns are to be made to the Business Team. They are collated and published on the Commission's website.

To promote consistency, in compiling the register the Business Team will make each Commissioner's submission or prospective submission available to all other Commissioners.

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

### **3 Related party transactions**

Generally accepted accounting practices require Commissioners and the Independent Member to the Audit and Risk Committee to disclose 'related party transactions'. 'Related parties' are parties (or close members of an individual's family) who hold a pre-existing connection prior to the transaction (financial or otherwise).

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

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

It is the responsibility of the individual member of staff or Commissioner concerned to identify and declare such interests although, if in doubt, they should seek advice from the Chief Executive. The Chief Executive's advice on any case will be made available to the full Commission. The Chief Executive may also offer advice at their own initiative, which again will be made available to the full Commission.

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

Nevertheless, the Commission has a collective interest in safeguarding its reputation and in preserving a reputation for fairness, objectivity, and professional detachment. It will therefore wish to promote consistency in the judgments made. To this end, Commissioners should carefully consider in what circumstances others have made declarations.

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

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

Where someone has declared a relevant interest in a matter, they should not take part in any discussion or decision on it. They are entitled still to see relevant papers, in the ordinary way, but must not seek at any stage to influence Commissioners, or staff, or to disclose the Commission's thinking at any stage to outsiders. Any person declaring an interest will withdraw from the room (or virtual meeting) during consideration of the matter.

Staff and Commissioners are encouraged to declare a slighter or more tenuous interest or association, which would not in itself necessitate their abstaining from discussion or decision, in the interests of transparency. The Commission can then take note of the interest, and it will be recorded in the minutes for all to see.

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

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

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

The Business Team will review declarations of interest at meetings and, if they do not fall within interests already registered, invite those concerned to make suitable addition(s) to the register.

## 5 Acceptance of gifts and hospitality

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

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

Commissioners and staff are required to register all gifts or hospitality offered – **whether accepted or not**. Registration returns must be made to the Business Team. There is a form for this purpose. New entries to the register of gifts and hospitality are reviewed by the Audit and Risk Committee at each meeting. Commissioners will also be asked to make an annual positive declaration if they have received no gifts/hospitality during the preceding year.

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

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

In some cases, a relatively small value gift/hospitality could still be significant if it could be deemed as influential, if it was offered by any public sector non-executive capacity for example. Staff and Commissioners should use their judgement and always make a declaration if there is any doubt.

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

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

Commissioners, staff and to a much lesser degree, consultants, contractors or agency workers, may on occasions be expected to provide limited hospitality during their work, such as paying for the lunch/dinner or refreshments (beyond usual meeting refreshments such as tea, coffee, biscuits, or a sandwich lunch) of an individual, if this forms a necessary part of duties conducted on behalf of the Commission. Expenditure should be modest and in line with limits in the current Fees & Expenses Policy. Prior approval must be obtained from your line manager or (in the case of consultants, contractors, or agency workers) your hiring manager, and



full details (i.e. name and/or organisation), and the business purpose, must be shown in your expense claim.

If the amount is outside of the Commission's fees and expenses policy limits, then the Director of Corporate Services / Chief Executive has discretion to approve a higher rate in these circumstances. Approval must be sought in advance of booking.

Where external individuals are being provided with hospitality together with other Commission staff or representatives, the most senior Commission employee present should pay the bill in its entirety, giving a breakdown of the expense incurred.

The Business Team maintains the register of gifts and hospitality. The Audit and Risk Committee will review new entries at each meeting, and it is published on the Commission's website.

## **6 Relations with third parties**

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

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

## **7 Resource management**

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

Damage to official property or documents must be reported immediately to the DCS or the Business Team. Individuals are liable to be called upon to pay the cost of making good the damage if caused intentionally or through negligence.

Guidance on the appropriate use of our IT is provided in the IT Acceptable Use Policy, available via the SharePoint home page.

When requested to do so, Commissioners and staff must return any official property in their possession to the Business Team or line manager as appropriate. This includes laptops, monitors, iPads, security passes, access cards associated with corporate accounts, and other equipment belonging to the Commission.

Failure to return official property may result in legal proceedings for its recovery or for compensation.

## 8 Confidentiality and personal liability

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

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

Everyone covered by this code should take special care of personal or sensitive information and be mindful of specific responsibilities under the UK Data Protection Act 2018 and the UK General Data Protection Regulation.

In addition, there is specific legislation which applies to information which may be held by the Commission. The Representation of the People (England and Wales) (Amendment) Regulations 2002 make it an offence to disclose to an unauthorised person detail contained in the registers of electors to which Commissioners and staff may have access. The penalty for doing so is an unlimited fine for which the perpetrator would be personally liable. Staff, and any contractors, consultants or agency workers who may have access to this protected information are also required to comply with the special handling procedures prescribed for it. Note that this is generally not an issue, as local authorities are asked to send anonymised registers to the Commission.

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

Staff must not take part in any activities or make any public statement - for example in the broadcast or print media or at public meetings - which has any bearing on the business of the Commission, or which refers to their employed capacity with the Commission, without the prior approval of the Communications and Engagement Manager or the Chief Executive. Permission is not necessary for subjects that have no bearing on official matters but in such cases, you should make no mention of your position in the Commission, or act in a way which would be likely to bring the Commission into disrepute.

Commissioners and staff must not at any time, either during or outside of working hours, make any comments on a social network such as Facebook, LinkedIn, or X that could be perceived as political, or defamatory either to the Commission, any employees or Commissioners, visitors, suppliers or clients. Commissioners and staff

are not permitted to post any other work-related matters onto a social network, especially if these matters are considered private or confidential.

Commenting on social media to promote a review or the Commission's work, such as job vacancies, is acceptable use.

On breach of the Code by a Commissioner, the Chair may take any action that they see fit in the circumstances. Breach of the Code by a member of staff may result in disciplinary action, including the possibility of dismissal or, in the case of consultants and agency workers, immediate termination of the engagement, or other remedies. Although any legal proceedings initiated by a third party are likely to be brought against the Commission as an entity, in exceptional cases, proceedings (civil, or in certain cases, criminal) may be brought against individuals appointed to, or employed by, the Commission.

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

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

## **9 Private activities**

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

### **9.1 Financial matters**

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

Should a Commissioner or member of staff become bankrupt or insolvent they must immediately report the fact to the Director of Corporate Services or Chief Executive and without delay thereafter submit a full statement of the circumstances of the case. Commissioners should be aware that, if they become bankrupt or insolvent and have committed any act of dishonesty or have otherwise acted discredibly, the Chair may take any action that they see fit in the circumstances. Staff should be aware, similarly, that disciplinary action may be taken, or the engagement terminated (in the case of

consultants and agency workers). If there is evidence of the misappropriation of public money, Commissioners and staff will be liable to prosecution.

## **9.2 Criminal charges**

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

## **9.3 Substance abuse**

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

## **9.4 Political activities**

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

- you consent to being nominated as a candidate or to being included in a registered party's list of candidates, for one of the following elective offices:
  - member of the House of Commons
  - member of the Scottish Parliament
  - member of the Wales Parliament
  - member of the Northern Ireland Assembly
  - Police and Crime Commissioner
  - member of any authority in any part of the United Kingdom, including the Common Council of the City of London, but excluding a parish or community council, or
  - member of the Greater London Assembly
  - Mayor of London or elected mayor within the meaning of Part II of the Local Government Act 2000
- you take up any office or employment with:
  - a registered party or any accounting unit of such a party

- a recognised third party
- a permitted participant
- you are named as a donor in the statement of donations or in any statement reported under Chapter 3 or 5 of Part 4 of the Political Parties, Elections and Referendums Act 2000
- you are named as a participant in the register of recordable transactions reported under Part 4A of that Act

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

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

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

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

## **10 Fraud prevention**

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

## 11 Concerns about improper conduct

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

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

Or if:

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

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

The Commission's dignity at work policy and its supporting behaviours charter are closely linked to the code of conduct policy. Together, these documents set clear expectations for acceptable behaviour in the workplace.

The dignity at work policy and behaviours charter specifically address issues such as bullying, harassment, derogatory comments, uninvited physical contact, and any other actions that create an intimidating or hostile work environment. They emphasise the importance of fostering a workplace where staff can carry out their duties free from fear or unfair treatment. Compliance with the code of conduct policy includes an obligation to adhere to all other Commission policies, including the dignity at work policy and the behaviours charter.

## 12 Review

The Audit and Risk Committee will review the operation of this Code of Conduct and registration of interests policy every three years.

## DECLARATION

You will have been asked to read the Code of Conduct via the Mandatory Read service on SharePoint. By clicking 'Accept' and then 'OK' from the Mandatory Read request, you are agreeing to the following statements:

- I have read and agree to the principles and procedures in the Local Government Boundary Commission's Code of Conduct.
- I understand that it is my responsibility to make registrations and declarations of interests and to record offers or receipts of gifts and hospitality as required and that a breach of the Code will be taken seriously.
- I agree to be bound by the provisions of this code.