

North York Moors National Park Authority

15 December 2014

The Ethical Framework and Employee Code of Conduct

1. Purpose of the Report

- 1.1 To seek Members' approval for a timetable to update the Ethical Framework and the Staff Code of Conduct.

2. Background

- 2.1 As Members will be aware the Authority operates within a culture where very high standards of conduct are expected of Members and Officers in undertaking their roles. This is made explicit in their respective Codes of Conduct plus the Ethical Framework. The latter seeks to focus on behaviour and culture as the starting point for ethical practice as well as defining the responsibility of individual Members, staff and volunteers in terms of their conduct and behaviour.
- 2.2 The Members' code was updated in September this year to take account of revisions in legislation brought about by the Localism Act 2011 and add clarity regarding personal interests. The Ethical Framework, however, was last updated in 2010 when the Authority's Values were incorporated, while the current Employee Code of Conduct dates from 2008.
- 2.3 Both of these documents need to reflect and complement the high standards demanded by the Members' code. Officers are also conscious that a great deal has changed over recent years both within the Authority and in the wider world. For these documents to retain their credibility in defining the standards and behaviour required, Officers believe that they should be reviewed and updated.

3. Issues to be considered

- 3.1 There are a number of issues to be considered including the following;
- Reflecting the development in thinking arising from the Leadership Development Programme, particularly in relation to levels of trust, giving effective feedback and so;
 - Linking with the Volunteer strategy and the 'one workforce' approach;
 - Higher than ever public expectation of the standards of behaviours required from those involved with public sector organisations;
 - The development of social networking sites and their use both professionally and socially;
 - Links to revised whistleblowing policies;
 - Best practice elsewhere;
 - High levels of part time working and seasonal jobs.

3.2 While taking account of these issues, Officers are conscious that the Ethical Framework and Staff Code of Conduct documents need to be sufficiently detailed to be meaningful, but concise enough for easy reference to enable them to be practical guides for behaviour.

3.3 The current Ethical Framework is attached as **Appendix 1** for Members' information and any initial thoughts on what should be included in an update are very welcome.

4. **Proposed Timetable**

4.1 It is suggested that a small group, including input from the Independent Member, another member, the UNISON representative and the Assistant Director of Corporate Services, review the Ethical Framework and Staff Code of Conduct .

4.2 Both documents will require consultation with staff and Members and it is intended that initial drafts would be brought to February FRASC with finalised documents being presented to the National Park Authority in March for adoption from 1 April 2015.

5. **Financial and Staffing Implications**

5.1 There are no other financial or staffing implications contained within the contents of this report.

6. **Recommendation**

That Members,

6.1 Nominate a Member to contribute to the review process;

6.2 Approve the timetable and process for updating the Ethical Framework and Staff Code of Conduct.

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Ethical Framework for North York Moors National Park Authority

Forward

'North York Moors National Park Authority believes in a strong ethical organisational culture. It aims to promote the highest levels of conduct by its Members, officers and volunteers, to increase public trust in the delivery of its purposes.'

While standards of behaviour within the Authority are generally excellent, there is no room for complacency. We fully subscribe to the principles underpinning the ethical framework and expect all Members, staff and volunteers to do the same. The statement of the Authority's values and the work that is done on a daily basis to live up to them is a key part of our ethical approach. We are both committed to working together to lead by example and to upholding the ethical well being and effective governance of the Authority.'

John Fletcher, Chair of the Authority

Andy Wilson, Chief Executive

1 May 2010

Background

The Ethical Framework is concerned with the overall culture of the organisation. It describes the set of rules and procedures within which the Authority operates and just as importantly, the values in terms of attitudes and behaviour it seeks to promote. It is these less tangible traits of an organisation that ultimately determine how ethical it is.

It has been developed adopting the statutory provisions contained within the Local Government Act 2000 and also reflects the latest guidance from the Standards Board for England. It sets out the standards of behaviour that the Authority expects of its Members, staff and volunteers in all areas of their conduct and also clarifies roles and responsibilities for the interaction between Members and staff. It relates to the achievement of Park purposes and the Park Management Plan and to the well being of all who interact with the Authority. It aims to focus on the public interest and morality rather than a temporary set of rules.

The Ethical Framework

The overall Ethical Framework for the Authority contains a number of important constituent parts, as outlined below. The Authority is committed to developing its Ethical Framework in the future to ensure that it is entirely "fit for purpose" and reflects all relevant best practice guidance. Responsibility for the development, implementation, monitoring and promotion of the Ethical Framework rests with the Authority's Performance Monitoring and Management Committee as the Authority's most central and senior Committee. Ultimately, however, the success of the Framework depends on input from a wide range of individuals and bodies, and is the responsibility of the Authority corporately.

The principal formal constituent parts of the Ethical Framework are listed below. A variety of mechanisms are in place to foster a positive corporate culture. These include rewards and incentives, both formal and informal, such as the staff appraisal scheme with its emphasis on **team** performance, and events such as regular staff meetings. The Chief Executive outlines

key cultural attributes to all new staff and Members as they join the organisation. Evening Seminars help to promote team working among Members.

Statement of Values

Underpinning all work the Authority does are the Authority's Values which determine the culture of the organisation and describe the way in which the Authority works. These have been subject to wide consultation with Members, volunteers and staff. The Values are aspirational and describe the attitudes, beliefs and behaviours of those working on behalf of the Authority

We aspire to:

1. Champion the qualities that make the North York Moors a unique and special place.
2. Promote opportunities for *everyone* to get involved.
3. Treat *everyone* with respect.
4. Have a personal approach to delivering services.
5. Always try to improve what we do.
6. Use money and other resources carefully.
7. Help our communities flourish.
8. Respect the best of tradition whilst recognising the need for innovation.
9. Contribute positively to sustaining the global environment.
10. Do what we promise.

These Values imply that the Authority will use an ethical approach to its work, but in order for them to be credible, the Authority needs to be able to **demonstrate** that the way in which it works and the framework within which decisions are taken are ethical. Examples of the sort of things that we do on a daily basis include;

- We place extra emphasis on delivering our service with people, not complex automated systems.
- We maximise what we can spend in the National Park, on its landscape and communities and visitors;
- Our volunteers include a very wide range of people.
- There is nearly 60 years difference in age between our youngest and oldest members of staff and 1 in 10 of our staff are young apprentices from the local area;
- We involve local people in our work through the Parish Forum network, Primary Land Users Group, Volunteer Service, Apprentice training schemes and so on.
- We regularly find out from our customers what they think of our services and use this insight to deliver the services that people want and appreciate;
- We help the global environment in a small way with our conservation work within the National Park and by reducing our carbon emissions in doing this – for example with our fleet of green vehicles.

It is expected that this initial list of examples will be added to and develop over time.

The Scheme of Delegation

The Scheme of Delegation sets out the way in which the Authority operates, including details regarding the way in which decisions are made and the rules and procedures to be followed to ensure that all decisions are taken in an appropriate, open and transparent manner. The Scheme permits swift and effective policy and decision making by members and managerial and operational decision making by officers within a framework of accountability to Government and the variety of the Authority's customers.

Financial Regulations

These Regulations form an integral part of the procedural and control framework within which Members and officers can ensure the best standards of financial management. Named officers and budget holders are responsible for ensuring that the regulations are followed in carrying out their duties.

Standing Orders

The Standing Orders contained in the Members Handbook provide a set of 'rules' which regulate the way in which meetings of the Authority's various committees are run. This ensures that the business of the Authority is conducted in a consistent, fair and open manner in order that the decisions made can be seen to have been taken in an appropriate manner.

Corporate Governance

The Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that money is safeguarded and properly accounted for, and used economically and effectively.

Corporate Governance is the system by which the Authority directs and controls its functions in delivering its business. The internal control processes which are the cornerstone of the corporate governance system are reviewed annually by the Chief Executive and Treasurer. Their assessment, together with recommendations for improvement, is presented to Members annually for their approval.

The Code of Conduct for Members

The Code adopted by the Authority sets out the standards of conduct that Members are required to adhere to whenever they are conducting the business of the Authority, whenever they are carrying out business of the position to which they have been elected or appointed and when they are acting as a representative of the Authority. At the heart of the Code are the Nolan Principles for public service (these are attached at the end of this document).

The Authority has adopted a code which complies with the relevant statutory guidance made under the Local Government Act 2000. Alleged breaches of the Code of Conduct are considered initially by the Authority's Standards Committee which has adopted procedures for handling local investigations and for holding local determination hearings. Serious cases can be referred to the Standards Board for England, an independent national body.

The Code outlines the general principles of conduct required of Members plus detailed guidance on their general obligations, what constitutes a personal interest, and the requirements for disclosure of personal interests and also an outline of what would be considered to be prejudicial interest.

Register of Interests

The Authority's Code of Conduct requires all Members to register their financial and other interests in the Authority's Register of Interests. A copy of the full register is available in the Authority's offices at The Old Vicarage, Bondgate, Helmsley.

Other Supporting Codes and Protocols for Members

The Authority has produced further Codes and Protocols to augment the Code of Conduct and these are contained within the Members' Handbook. The further Codes in force are as follows:-

- Protocol for Members' Guidance
- Protocol on Gifts and Hospitality
- The principles of Good Decision Making
- Code of Practice for Site Visits by the Planning Committee

New Members receive training in all these areas as soon as they are appointed.

Code of Conduct for Authority Employees

The Authority's long established Code of Conduct for Employees was substantially reviewed and approved by Members in 2008. The revised Code has incorporated the principles proposed in the draft code issued by the Office for the Deputy Prime Minister (subsequently Department for Communities and Local Government), but will be reviewed again when a model code is finalised.

The Code is supported by detailed Guidance Notes and links with other Authority policies. In addition to matters specifically mentioned elsewhere within this Ethical Framework document, the Code reminds employees of their responsibilities in terms of;

- Political neutrality;
- Relations with Members, the public and other employees;
- Personal interests and rules on the declaration of gifts and hospitality;
- Undertaking paid work outside the Authority;
- Treatment of confidential and sensitive information in accordance with the Data Protection and Freedom of Information Acts;
- Contact with the press and media;
- Compliance with the Authority's environmental policies
- Responsibility to act and be seen to act with integrity, honesty, impartiality and objectivity;
- Responsible use of Authority property, for example, which uses of the Authority's IT equipment are acceptable/unacceptable.

The Code of Conduct is issued to all new starters on their first day of employment, reissued to all staff periodically and is available on the Intranet.

National Park Customer Service Standards

The Customer Service Standards summarise the way in which the public can expect to be treated when they contact the Authority either in person, via the telephone, by letter or e-mail. Some of these standards have been in place for a while but others, particularly in relation to electronic communication, have been recently developed. They are contained within the Staff Communication guide and displayed in public areas of our buildings. All new starters receive a copy and they are also available on the Intranet.

Volunteers

The Authority has a very large number of volunteers who may have little or no role in providing **direct** services to the public but whose work and commitment is invaluable.

An induction process for volunteers currently includes the framework of values within which the Authority operates. Following the ongoing work regarding the Authority's values, it is proposed that a tailor made volunteers code of conduct be developed.

Voluntary Rangers

The Authority has a significant number of Voluntary Rangers who, although unpaid, do regularly come into contact with the public. The full Employee Code of Conduct and Service Standards do not apply to them, but they undergo an extensive training programme including the basic principle of dealing with the public and the framework of values within which the Authority operates. Following the ongoing work regarding the Authority's values, it is proposed that a tailor made volunteers code of conduct be developed.

Environmental Policies

The Authority has a wide range of administrative systems and detailed policies which are designed to help put into effect the Value 'Contribute positively to sustaining the global environment'. These relate to waste, purchasing, transport, heating etc. A summary of the Authority's achievements in this field is published in the annual Performance Report and Plan. Compliance with the Authority's environmental policies is a formal element of the staff appraisal system.

Equalities and Diversity

The Authority has a Comprehensive Equalities Policy outlining its overall approach to equality, both in the delivery of services to the public and in employment.

Specific policies relating to Disability and Gender have also been adopted to ensure compliance with its statutory responsibilities under legislation relating to the support of equalities and diversity. Action plans have also been developed to help focus efforts and further improve performance in these areas. These will be reviewed and substantially updated when the terms of the Equalities Bill pass into law in 2011.

All policies are available to Members and staff within the Personnel Manual and on the intranet. A guide on these issues is also available for members of the public on the Authority's website. These policies reflect the approach taken by the Authority in responding to, and in many places exceeding, statutory responsibilities in these areas, and are followed by both officers and, when appropriate, Members.

The Authority aims to make these issues 'come alive' through the imaginative use of its purposes with the wider public.

Whistle-Blowing Policy

A Whistle-Blowing Policy was introduced by the Authority under the Public Interest Disclosure Act 1998 to enable employees to raise any concerns about malpractice – to the right person – at an early stage and in the right way without fear of retribution. To enhance the confidentiality and impartiality of the system, the Whistle-Blowing Officer is the head of the legal team at North Yorkshire County Council.

This policy, too, is in the Personnel Manual and is available to staff and members on the Intranet. Details are also highlighted on posters on all staff noticeboards. It reflects the Authority's total commitment to enabling staff to raise any concerns about malpractice without fear of harassment or victimisation.

Anti-Fraud and Corruption

The Anti-Fraud and Corruption Policy has been developed specifically to ensure that the Authority's corporate governance continues to improve and that the Authority meets the highest standards of probity and accountability in discharging its duties. It outlines the principles of conduct that are expected of Members and staff and provides a framework for reporting and investigating suspected financial misconduct.

Human Rights Act

The Authority has considered its obligations under the Human Rights Act and has devised a list of action points to be taken into account when deciding upon rights and obligations. Training has been provided for both Members and Staff. Full details of the Anti-Fraud and Corruption and Human rights Act policies are available on the Intranet.

Responsibility and Development

As outlined above, responsibility for the development, implementation, monitoring and promotion of the Ethical Framework rests with the Authority's Performance Monitoring and Management Committee which will take on board comments from the Standards Committee. The Ethical Framework is formally reviewed every 2 years.

On a day to day basis it is the responsibility of individual Members, staff and volunteers to adhere to the standards of conduct and behaviour outlined within the Ethical Framework. Directors and line managers have a particular role to play in ensuring that those whom they manage are clear about their roles and what is required of them. All managers should also promote the highest standards of conduct amongst their staff and lead by example at all times, and there is an especial need for those in the highest positions to demonstrate their commitment to this Framework by practical action.

Appendix to the Ethical Framework

The General Principles of Conduct (Nolan Principles)

The Nolan Principles for public service are at the heart of the Code of Conduct for Members. They are regarded as integral to the Authority operating and being seen to operate in an ethical manner.

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgment

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do, to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should always act in a way that secures or preserves public confidence.