

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2612

Title: Code of Ethics and Standards for Staff - Revision

Executive Summary:

The Code of Ethics and Standards for Staff ("the Staff Code") presents the standards of conduct that the Greater London Authority (GLA) expects staff to achieve in order to promote the highest standards of public service and help the GLA to achieve high ethical standards and meet its statutory obligations.

As part of the Chief Officer's review of the registration and declaration of interests and gifts and hospitality, the Staff Code requires review, specifically to include much more detailed and prescriptive information about the registering and handling of interests.

The Staff Code applies to all staff, whether appointed by the Mayor or Head of Paid Service (HOPS). The document, as one of the GLA's significant governance documents, requires the joint approval by the Assembly and the Mayor in relation to Statutory Officers. The Mayor must approve the changes for the Mayoral Appointees. The Head of Paid Service has been requested separately by way of a Chief Officer's Decision Form to approve the changes in respect of all other GLA employees.

This Decision provides the Mayor's approval.

Decision:

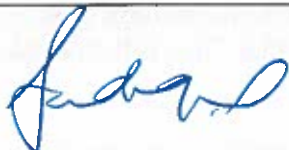
That the Mayor, jointly with the London Assembly (in relation to Statutory Officers) and the Mayor alone (in relation to Mayoral Appointees) adopts the revised GLA Code of Ethics and Standards for Staff as set out in Appendix 1.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

18/3/22

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1. The Chief Officer was asked by the Members of the London Assembly's GLA Oversight Committee in 2019 to review the GLA's approach to the registration of interests.
- 1.2. The Staff Code is the principal document which sets out the standards of conduct that the GLA expects staff to achieve in order to promote the highest standards of public service and help the GLA to achieve high ethical standards and meet its statutory obligations. It applies to all staff, both those appointed by the Mayor, and those by the HOPS. A breach of the Staff Code can lead to disciplinary action under staff Terms and Conditions of Employment.

- 1.3. As a result of this review, it is proposed to substantially strengthen the interests section of the Staff Code. The current Staff Code sets out the following three points only:

Section 2.5 "(a) Staff who have an interest whether financial or otherwise, or if any person related to them or with whom they have a close personal relationship, has any interest in any organisation which has any business dealings with the Authority, are required to disclose such interests immediately and ensure that the details are recorded in the Authority's Register of Interests.

(b) Staff must make a declaration of interest on any issue on which they are advising the Mayor or Assembly which affects an interest held by them, or any person related to them or with whom they have a close personal relationship whether financial or otherwise, and ensure that the details are recorded in the Authority's Register of Interests. The register of declarations of interests is maintained in the office of the Monitoring Officer.

(c) To ensure openness and transparency, declarations of interest may be published on the GLA's website."

- 1.4. On review, this was considered to be insufficient in setting out the obligations on staff, and as such the following changes are proposed.
- 1.5. It is proposed that the Seven Principles of Public Life (the Nolan principles) should be included in the Staff Code. These principles are present in the Members' Code of Conduct but are not explicitly set out in the Staff Code currently. These will be inserted into the Introduction at section 1.4 of the Staff Code.
- 1.6. Changes are proposed to Section 2.4 (Trust and Confidence) to reflect the inclusion of personal interests (as well as private interests) and to reference that failure to declare a pecuniary/financial interest in contracts with the GLA and accepting fees and rewards over and above an employee's normal remuneration may amount to a criminal offence. This is further expanded in a new section of the Staff Code, section 2.5C.
- 1.7. The main change is the inclusion of a new section which is a much more substantial section on the declaration and registration on interests. In summary, it sets out the following:
 - a) Formally declaring "disclosable pecuniary interests" and other "significant disclosable interests" (a new category);
 - b) Action on becoming aware of a disclosable interest; and
 - c) Criminal offences involving pecuniary interests in GLA contracts and accepting improper fees or rewards.

- 1.8 In addition a few drafting changes and factual updates have been made to the remainder of the document.
- 1.9 The proposed revised Staff Code is attached in Appendix 1. A guidance note for staff is also being produced to further support these changes.
- 1.10 Unison has been informally consulted on the proposed revised Staff Code and has not made any objections to it. It will respond to the formal consultation on 16 March although it is not expected that there will any issues identified. Changes in respect of GLA employees, other than Mayoral Appointees and Statutory Officers, will need to be approved separately by the Head of Paid Service in accordance with the GLA Head of Paid Service Staffing Protocol.

2. Objectives and expected outcomes

- 2.1 These revisions to the Staff Code will ensure that the GLA continues to be in a strong position to comply with the Principles of Standards in Public Life, themselves newly referenced in the Staff Code, as well as furthering its commitment to transparency and accountability. It also assists in ensuring that the GLA achieves high ethical standards, not only through the Mayor and Assembly Members but also through its staff.

3. Equality comments

- 3.1. Section 149(1) of the Equality Act 2010 provides that in the exercise of their functions, public authorities must have due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.2. Protected characteristics under the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only).
- 3.3. The obligation in section 149(1) is placed upon the Mayor, as decision maker. Due regard must be had at the time a decision is being considered. The duty is non-delegable and must be exercised with an open mind.
- 3.4. The potential equalities implications of changes to this policy have been considered and it is concluded there are no implications arising. The Staff Code will apply to all GLA staff.

4. Other considerations

- 4.1. The London Assembly GLA Oversight Committee has been consulted on the proposed changes.
- 4.2. The Staff Code, as a matter for joint determination by the Mayor and London Assembly (in relation to Statutory Officers) is being submitted to the London Assembly for consideration and adoption at its meeting on 19 March 2020. This decision note seeks the Mayor's consideration and approval of the Staff Code in relation to Statutory Officers and Mayoral Appointees. The HOPS will provide approval separately by way of a Chief Officer's Decision Form.

4.3. No specific conflicts of interest have arisen in the consideration of this decision.

5. Financial comments

5.1 There are no direct financial implications arising from this decision.

6. Legal comments

- 6.1 Section 27 of the Localism Act 2011 provides that the GLA must promote and maintain high standards of conduct by its elected members (the Mayor and Assembly members). This duty is also supported by promoting the same high standards amongst GLA staff. For staff, this is achieved through the Staff Code. Staff appointed by both the Chief Officer (as Head of Paid Service) and the Mayor are required by their terms and conditions to abide by the Staff Code. Therefore, formal approval by both is required to set common standards and procedures.
- 6.2 Section 70(1) of the Greater London Authority Act 1999 (the 1999 Act) provides that a person appointed under section 67(1) of the 1999 Act shall be employed on such terms and conditions (including conditions as to remuneration) as the Mayor thinks fit.
- 6.3 Section 70(2) of the 1999 Act provides that staff shall be employed under section 67(2) of the 1999 Act on such terms and conditions as the HOPS thinks fit after consultation with the Mayor and the Assembly. The HOPS will separately agree the changes by way of a Chief Officer Decision Form for all section 70(2) employees in accordance with the Head of Paid Service Staffing Protocol.
- 6.3 With regard to the Statutory Officers, their terms and conditions must be set by the Mayor and Assembly acting jointly (section 72(1C) for HOPS, section 73(1C) for the Monitoring Officer and section 127A(3) for the Chief Finance Officer). The Assembly will therefore be asked to approve the changes to the Staff Code in so far as they affect Statutory Officers, and note the changes for all other GLA staff.
- 6.4 The terms and conditions of employees incorporate several policies and procedures, including the Staff Code. Amendment to the policy is therefore a change to the terms and conditions of employees. In order for changes to be effective, employees must agree the proposed change to their employment contracts. As set out above, Unison is being consulted on the Staff Code, and informally has not raised any objections.
- 6.5 Failure to comply with the Staff Code could result in disciplinary action. In addition, there are criminal offences that may be committed by an employee and are referred to in the Staff Code. Section 117 of the Local Government Act 1972 (the 1972 Act) is applied to employees of the GLA by virtue of 71 of the 1999 Act. Section 117(1) of the 1972 Act provides that if it comes to the knowledge of an officer employed by the GLA that a contract in which they have any pecuniary interest, whether direct or indirect (not being a contract to which they are themselves a party), has been, or is proposed to be, entered into by the GLA, they shall as soon as practicable give notice in writing to the GLA of the fact that they are interested. Failure to do so is a criminal offence and is liable to a level 4 fine, currently £2,500.
- 6.3 Section 117(2) of the 1972 Act provides that an officer of a local authority shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration. To do so is a criminal offence and is liable to a level 4 fine, currently £2,500.
- 6.4 Under the Bribery Act 2010, it is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the GLA. The onus would be on the individual member of staff concerned to disprove corruption.

7. Planned delivery approach and next steps

- 7.1 Once adopted, the Assistant Director, HR &OD and Monitoring Officer will jointly write to all GLA staff to advise them of the revised version of the Staff Code. The Staff Code will also be published on the intranet and on London.gov.uk. The HR team will additionally publish a blog, so staff are aware that the Code has been updated and the Chief Officer will promote through her 'Core Brief' staff newsletter.
- 7.2 The Staff Code will be regularly kept under review, including how the revised arrangements for interests are operating.

Appendices and supporting papers:

Appendix 1 – Revised Code of Ethics and Standards for Staff

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 - Deferral

Is the publication of Part 1 of this approval to be deferred? NO

Until what date: (a date is required if deferring)

Part 2 - Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form - NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Emma Strain has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Martin Clarke has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

David Bellamy has been consulted about the proposal and agree the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 16 March 2020.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Lalle

Date

16.3.20

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

D. Bellamy

Date

17/3/2020