



**LIVERPOOL
CITY REGION**
COMBINED AUTHORITY

CONSTITUTION OF THE LIVERPOOL CITY REGION COMBINED AUTHORITY

Part 6

Section B

Officers' Code of Conduct

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1. INTRODUCTION

1.1 **Any reference to the Liverpool City Region Combined Authority (“the LCRCA”) is to be read as including Merseytravel.**

1.2 The NJC (National Joint Council for Local Government Services) National Agreement on Pay and Conditions of Service incorporates the following statements:

“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.”

1.3 Combined Authority employees 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 members and fellow employees this must be done with impartiality at all times.

1.4 This Code of Conduct is intended as a guide for employees on the standards that are expected. It builds on the expectation that officers will observe the general principles of conduct identified by the Committee on Standards in Public Life (as set out in Appendix 1 to the Members Code of Conduct at Part 6A) as it equally applies to them.

1.5 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 (see paragraph 15 - Whistleblowing).

1.6 Any breach of the terms of this Code will be dealt with in accordance with the provisions of the Disciplinary Procedure of the Combined Authority.

1.7 If employees are in any doubt about any of the provisions of the Code they should seek advice from their manager.

1.8 Where the following expressions are used for the LCRCA positions they also refer to the Merseytravel positions:

LCRCA	Merseytravel
<ul style="list-style-type: none">• Head of Paid Service	<ul style="list-style-type: none">• Director General
<ul style="list-style-type: none">• Monitoring Officer/Deputy Monitoring Officer	<ul style="list-style-type: none">• Secretary
<ul style="list-style-type: none">• Treasurer	<ul style="list-style-type: none">• Chief Financial Officer

2. STANDARDS, VALUES & EXPECTATIONS

2.1 Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to other employees and Members with impartiality. Employees should bring to the attention of the management any deficiency in the provision of service and must report any impropriety or breach of procedure to their senior Officer.

2.2 The public is entitled to expect the conduct of LCRCA's employees to be of the highest standard and public confidence would be damaged were there any suspicion, however ill-founded, suggesting an officer's integrity was questionable. It is not enough to avoid actual impropriety, employees must, at all times, seek to avoid any occasion for suspicion or appearance of improper conduct.

2.3 The following values provide the cornerstone for ethical behaviour as an LCRCA employee:

- Service, Respect & Courtesy;
- Honesty & Integrity;
- Accountability;
- Political Neutrality; and
- Standards of Professional Conduct.

2.4 The LCRCA expects its employees to:

- Conduct themselves in a manner that reflects well on the organisation;
- Comply with all legal and regulatory requirements;
- Treat others with respect and courtesy;
- Behave fairly, honestly and openly;
- Safeguard the assets and property of the organisation;
- Remain politically neutral when undertaking their duties;
- Comply with both the letter of the law (or any LCRCA policy) and the general spirit of any directive;
- Ensure 'commercial expediency' does not override or usurp this Code of Conduct or any other LCRCA policy;
- To report to the appropriate level of management and/or to the relevant individuals any impropriety or breach of procedure;
- Recognise that their off-duty hours are their own personal concern but that they should not subordinate their duty to their private interests or put themselves in a position where their duty and their private interest conflict.

3. DISCLOSURE OF INFORMATION

3.1. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.

- 3.2. Under the Local Government Act 1972, as well as legislation such as the Freedom of Information Act 2000, the public have a right to see or obtain certain information held by public bodies.
- 3.3. Employees must not use any information obtained in the course of their employment for personal gain or benefit, or pass it onto others who might use it in such a way.
- 3.4. All contact with the media, whether being sought proactively or in response to media requests, should be referred to the communications team for consideration and for agreement of approach. All staff should familiarise themselves with the media policy.
- 3.5. Use of social media, whether on behalf of the organisation as part of an employee's role, or by an employee personally (should they be able to be recognised as an employee of the LCRCA), should not bring the organisation into disrepute or breach confidentiality. All staff should familiarise themselves with the social media policy.
- 3.6. If employees consider that the non-disclosure of certain information is contrary to the wider public interest, they should advise the Proper Officer, Head of Paid Service, Directors and Monitoring Officer or the Head of Service of the information and the issues concerned.

4. POLITICAL NEUTRALITY/ACTIVITY

- 4.1. Employees serve the Combined Authority as a whole. It follows, therefore, that they must serve all Members of the Combined Authority as a whole and not just Members of any controlling group and/or the Metro Mayor, and must ensure that the individual rights of all Members are respected.
- 4.2. Some senior employees will be expected, within the Combined Authority's guidelines, to advise political groups. These employees have a duty to advise minority groups as well as the controlling group.
- 4.3. Some employees, who are normally those in more senior positions, are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work. Employees who are in this position should have been told of this in writing and of the rules for claiming exemption, but any employee who is in any doubt about their position should contact the Monitoring Officer or staff in the personnel team.
- 4.4. If an employee is in any doubt about whether an activity is political activity and covered by these rules they should seek advice from their Head of Paid Service, Directors and Monitoring Officer.

- 4.5. It is important that all employees are aware of their position in terms of political activity because if these statutory provisions are breached this may constitute a breach of the Contract of Employment which may be dealt with under the Combined Authority's disciplinary procedure.
- 4.6. Employees, whether or not politically restricted, must follow every lawful policy of the Combined Authority and must not allow their own personal or political opinions to interfere with their work.

5. RELATIONSHIPS

5.1 Members

Some employees are required to give advice to Members as part of their job and mutual respect between employees and Members is essential to good governance.

5.2 The Local Community and Service Users

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

5.3 Contractors

All relationships with contractors or potential contractors must be made known to the appropriate Manager. Orders and contracts must be awarded in line with the Combined Authority's financial regulations.

Employees who engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, must declare that relationship to the appropriate manager.

6. OUTSIDE COMMITMENTS

- 6.1. An employee's off-duty hours are their personal concern but they must not place themselves in a position where their employment and private interests conflict. The Combined Authority would not wish to preclude employees unreasonably from undertaking additional work unless that work conflicts with or detrimentally affects the Combined Authority's interests or in any way weakens public confidence in the conduct of the Combined Authority's business, or in any way affects the ability to fulfil the Contract of Employment.
- 6.2. Officers on a Head of Service Grade or above are expected to devote the whole of their paid employment work to the Combined Authority and must not engage in any other business or take up any other additional appointment for

financial gain without the agreement in advance of their Head of Paid Service, Directors and Monitoring Officer.

7. PERSONAL INTERESTS

- 7.1. Employees must declare to their line manager, non-financial interests that they consider could bring conflict with the Combined Authority's interests (e.g. involvement with an organisation receiving grant aid from the Combined Authority, membership of an NHS Trust Board, involvement with an organisation or pressure group which may seek to influence their authority's policies, personal relationships etc.). Membership of a trade union is exempted from this requirement.
- 7.2. Employees must declare any financial interest, which could conflict with the Combined Authority's interests. Employees should note that, in addition to the provisions of this Code and of conditions of employment, it is criminal offence to fail to comply with the following requirement:

“If it comes to the knowledge of an officer employed by a local authority/Combined Authority that a contract in which he or she has any pecuniary interest, whether direct or indirect (not being a contract to which they are a party), has been, or is proposed to be, entered into by the authority or any committee thereof, the officer shall as soon as practicable give notice in writing to the authority of the fact that the officer is interested therein” (s.117(1) of the Local Government Act 1972).

- 7.3. Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Combined Authority services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to their line manager (e.g. allocation of Combined Authority housing or assessment of housing benefit).

8. EQUALITY ISSUES

- 8.1 Employees have an obligation to ensure that policies relating to equality issues as agreed by the Combined Authority are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9. SEPARATION OF ROLE DURING TENDERING

- 9.1. Employees should be clear on the separation of client and contractor roles within the Combined Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

- 9.2. Employees in contractor or provider units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
- 9.3. Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 9.4. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. CORRUPTION

- 10.1 It is a criminal offence for an employee 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. It is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11. USE OF FINANCIAL RESOURCES

- 11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Combined Authority.

12. USE OF COMBINED AUTHORITY FACILITIES

- 12.1 Officers of the Combined Authority are provided with facilities, including office equipment, computer facilities, transport, telephones, secretarial services etc., to use in carrying out their official duties. Certain facilities, such as telephones and photocopiers, are available to staff for limited private incidental use with prior agreement of the officers Head of Service or Director. However, Combined Authority work must always be given priority. Unauthorised use of equipment will render an employee liable to disciplinary action and/or legal proceedings.
- 12.2 The Combined Authority recognises the importance of information technology in delivering efficient, high quality services. All officers are required to take appropriate measures to ensure the security of information, and the protection of IT equipment and information from threats such as computer viruses and theft. Employees can introduce a virus when utilising their own software and this must in no circumstances take place without the prior written approval both of the Head of Information Technology and the employee's relevant senior officer.

- 12.3 The use of IT equipment is regulated by various Procedure Rules including the Acceptable Use of IT Policy and Acts of Parliament including Data Protection legislation and the Freedom of Information Act (2000). All employees are obliged to act in accordance with these regulations and employees must be aware of the requirements of these policies for both business and personal use of IT equipment. Details can be accessed through the Intranet site.
- 12.4 Employees who have responsibility for the use of equipment, machinery, etc. must always ensure that routine checks are carried out prior to use. Any defect or damage must be reported immediately by the employee to their supervisor.
- 12.5 Employees who use social media as part of their day-to-day work, including the management of the Combined Authority's social media accounts to engage with residents, should adhere to the Combined Authority's Social Media protocol.

13. GIFTS AND HOSPITALITY

- 13.1 It is acknowledged that LCRCA employees may be offered gifts or hospitality in the course of their work.
- 13.2 Employees must not seek out offers of gifts or hospitality, nor should the receipt – or potential receipt – of gifts or hospitality have any influence on the policies, practices, decisions or actions of employees or the LCRCA as a corporate body.
- 13.3 Insofar as Elected Members are concerned, paragraphs 27 to 29 of the National Code of Local Government Conduct deal with gifts and hospitality. Although the National Code of Local Government Conduct has been designed specifically for Elected Members, employees should be aware of its provisions and operate within them.
- 13.4 In relation to Officers of the LCRCA specifically, Section 117(2) of the Local Government Act 1972 states that an Officer shall not, under colour of his/her office, accept any fee or reward whatsoever other than his proper remuneration. Any breach is a criminal offence. Whilst statutorily this provision does not apply to Merseytravel staff they are asked to abide by its terms in any event.
- 13.5 Employees must always be aware that the acceptance of inducements might be seen as corruption, which is a criminal offence under the Bribery Act 2010. This Act covers the request, agreement to receive, or acceptance of an advantage or bribe as well as the offer, promise, or giving of an advantage or bribe to another person.

Register to be Maintained

- 13.6 To demonstrate the openness and integrity of the circumstances relating to the offer and acceptance of gifts, hospitality or other favours, HR will maintain a register (or registers as appropriate) of favours etc. offered, detailing the nature of the favour, and indicating whether such favours are declined or accepted.

Each person will be responsible for entering details of all favours offered to, or accepted by, them in the appropriate register. The Head of Paid Service and appropriate senior managers will maintain their own registers. The Head of Audit is available to provide detailed advice on the format of registers, together with what should be included within them.

13.7 Registers must be open for inspection at any time, and without prior notice by the following:

- a) The Head of Paid Service;
- b) Monitoring Officer;
- c) Senior Managers as appropriate when appointed;
- d) Internal Audit Staff;
- e) The External Auditor.

Gifts

13.8 There are a number of considerations to be taken into account where gifts are concerned which may impact upon the appropriateness of accepting them. These include, but are not limited to:

- a) The nature of the gift, e.g. its value;
- b) The motivation of the person giving the gift; and
- c) The frequency of the proposed gift/hospitality.

13.9 Most firms, as part of their normal commercial activity, distribute gifts which range from the promotional (e.g. calendars, diaries etc.) to the more expensive (e.g. wines and spirits). The more expensive gifts are obviously distributed where they will have the greatest specific impact. While this may be commonplace and acceptable conduct in some parts of the private sector, the requirements of the public sector are very different.

Guidance

- (a) Officers must refuse any personal gift offered to them by any person or firm who has or seeks dealings with the Combined Authority.
- (b) The exception to this is modest promotional material of low value such as calendars and diaries, which are, in many cases, unsolicited and simply delivered by post. Even here, however, staff must use their judgment, and more expensive promotional items must be refused and returned.
- (c) From time to time, staff may find themselves in a position where they have to refuse and/or return gifts. This requires diplomatic handling and staff must not behave in ways which donors of gifts might regard as impolite or unnecessarily critical of a recognised private sector practice.

- (d) It is sometimes acceptable to the giver for a gift, which in other circumstances would be refused as in (c) to be donated instead to charity. An arrangement of this sort must only be made with a Senior Manager's approval, must be entered in the Register, and recorded by letter to the giver indicating that the gift has been donated to charity.

Hospitality

- 13.10 Contacts established socially can be helpful in the Combined Authority's interests. It is therefore appropriate in certain circumstances for the Combined Authority's staff to accept invitations for social involvement with persons or bodies, including those who have, or may seek to have, business dealings with the Combined Authority. At the same time it is very easy for such involvement to be misconstrued as providing an opportunity to bring about undue influence and there will, therefore, be occasions when hospitality must be declined.
- 13.11 Where hospitality is offered to staff as representatives of the Authority, it may be accepted where it appears reasonable in all the circumstances to do so. It is generally more acceptable to join in hospitality offered to a group than to an individual. Where hospitality is offered to one employee only, special caution is needed as an employee alone may be viewed as more vulnerable than a number of employees. Again, this is a matter of judgement.
- 13.12 When a particular person or body has a matter currently in issue with the Combined Authority (e.g. arbitration arising from a contract or an industrial development proposal), an offer of hospitality must be refused even if in normal times it would be acceptable.
- 13.13 Staff members must not accept offers of hospitality which might, or might reasonably appear to, compromise their personal judgement or integrity and place them under an improper obligation.
- 13.14 However, there are some roles where it would never be appropriate for officers to accept offers of gifts and hospitality. This is particularly true of employees who:
- Are members of the Procurement team;
 - Are involved in commissioning a service or in tender evaluation;
 - Undertake a regulatory or contract monitoring function; and
 - Are involved in determining payments due to third parties.
- 13.15 There are also certain types of event that it would not be appropriate for members of the Combined Authority to be seen to be attending. Employees should make their own judgement based on this guidance and discuss it with their Head of Service, Monitoring Officer, Director and/or Head of Paid Service before accepting or declining the gift or the offer of hospitality. It is not possible for the Code to contemplate all manner of events that might fall to be

considered under this category. A type of event that might not be suitable is an event to speak at a political party occasion. Other issues and types of event may fall to be considered and the example is not meant to be determinative.

- 13.16 Where attendance at events given through hospitality is considered appropriate, for example in order to represent, support or promote the Liverpool City Region, attendance should be authorised by the Head of Paid Service.
- 13.17 Where an offer of hospitality is made to the Head of Paid Service that (having regard to this policy) he wishes to accept, the authorisation of the Treasurer and/or the Monitoring Officer must be obtained.

Favour

- 13.18 It is accepted that favours may often be offered by outside agencies in good faith and to promote a good working relationship and understanding.
- 13.19 Constant refusals to accept such offers could impair essential working relationships and possibly create an atmosphere of distrust with a consequential detrimental effect on the business being conducted. Staff can discuss this situation with their Head of Service, Monitoring Officer, Director and/or Head of Paid Service before accepting or declining the favour or the offer of the favour.
- 13.20 However, it is vitally important to be able to demonstrate that Combined Authority business is conducted with the utmost integrity, without any taint of impropriety or corruption. Accordingly, offers of personal favours by organisations or individuals with whom the Combined Authority deals must be treated by employees with due caution. Favours must not affect proper working relationships, or allow concern that they are affecting proper working relationships.
- 13.21 A distinction must be drawn between favours perceived to be offered as goodwill gestures, and those which might be seen to be inducements. Any favour which could be regarded as an inducement to influence the business of the Combined Authority in an improper manner cannot be accepted. The offer of any such favour must immediately be reported to the employee's Head of Service, Director, Monitoring Officer or Head of Paid Service.
- 13.22 Trade or other discounts, a similar preferential treatment for personal items must not be sought or accepted by individual employees as a direct consequence of their employment by the Combined Authority.

14. SPONSORSHIP - GIVING AND RECEIVING

- 14.1 Where an outside organisation wishes to sponsor or is sought to sponsor a Combined Authority 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.
- 14.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative 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 Combined Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

15. HOSPITALITY OFFERED BY THE COMBINED AUTHORITY

- 15.1 The LCRCA will not normally provide gifts or hospitality in the course of its business although there are occasions where low value 'gifts' may be appropriate for marketing purposes.
- 15.2 The provision of hospitality must be agreed in advance by your Head of Service (or immediate line manager for Heads of Service and above).
- 15.3 The expenses claim form can be used to claim back expenses associated with hospitality, provided all receipts are attached to the claim.
- 15.4 When determining whether or not it is appropriate to offer hospitality to third parties, employees should consider the same conditions as they would for hospitality received.

16. WHISTLEBLOWING

- 16.1 If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical 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 Act 1998, and with the Combined Authority's confidential reporting procedure, or any other procedure designed for this purpose.