Dear Alun Cairns AM

WRITTEN ASSEMBLY QUESTIONS – 28799 AND 28800

I undertook to send you a written response to the above questions, concerning bullying within local authorities.

The Local Government Act 2000 established a new ethical framework for local government in England and Wales. The main basis of the new framework is separate statutory codes of conduct for local authority members and officers. In 2001, the National Assembly approved a model code of conduct for local authority members. Local authorities (other than police authorities, which are subject to an equivalent code produced by the UK Government) were required to adopt a code of conduct which included all the elements of the model code. All local government members must give an undertaking to abide by their authority’s adopted code of conduct.

The model code of conduct is supported by a set of principles that govern the conduct of local authority members in Wales. These principles state that members must, in carrying out their duties and responsibilities, show respect and consideration for others and respect the impartiality and integrity of an authority’s statutory officers and other employees.

Local authorities must establish standards committees to promote high standards of conduct and assist members in observing the code of conduct. Such committees must have a majority of members (including the chairperson) who are independent of local government. Where members are alleged to have failed to comply with the code of conduct, a written complaint may be made to the Commissioner for Local Administration in Wales, who is empowered to undertake an independent investigation into the allegation.

In July 2001, the National Assembly approved a new code of conduct for local government employees aimed at ensuring the highest standards of conduct from local government officers. Under the Local Government Act 2000, the new code is incorporated into the terms and conditions of appointment of local government employees.
The employee code of conduct states that mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees should deal with the public, members and other employees sympathetically, efficiently, and without bias.

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the employee code, they should report the matter acting in accordance with their rights and protection afforded under the Public Interest Disclosure Act 1998 and the relevant authority's confidential reporting procedure.

Allegations of bullying by local government officers are properly a matter for local authorities to deal with as employers. I have no specific powers of intervention in this area. The 'Employers Organisation for Local Government' has issued practical guidance to local authorities on drawing up a confidential reporting policy. The Welsh Local Government Association has advised that all local authorities in Wales have in place confidential reporting policies and other procedures to deal with victimisation and harassment.

Yours

Sue Essex