

Ethics: the personal and the public

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I greatly welcome the Society of Local Authority Chief Executives (SOLACE) document that sets out a 'code of ethics' for senior public managers. This is something that has been a long time coming.

SOLACE, and particularly Mark Rogers of Birmingham City Council, have to be congratulated on bringing it forward at such an important time for the profession. What is more, it is really impressive that it has secured buy-in from so many other professionals who serve the public at the local level.

There is, however, a danger that its core proposals will not be debated sufficiently, people will nod it through and it will receive widespread but passive acceptance.

Passive acceptance is, to be frank, simply not good enough. The draft code requires a thorough discussion and local government professionals need to address ethical concerns deeply.

At one level if the code is easily accepted, arguably it will have no bite and little bearing on professional behaviour. I have just three main concerns about the draft code.

First, I would suggest that it be much more explicit about what behaviour is unacceptable and would thereby result in being removed from the profession on grounds of wilful disregard, wilful neglect or misconduct.

Misconduct in public office is a serious matter.

It is an offence at common law triable only on indictment.

It is an offence confined to those who are public office holders and is committed when the office holder acts (or fails to act) in a way that constitutes a breach of the duties of that office.

However, the draft code is all expressed in the positive - it's about 'what people should do'. It has few, if any, references to 'what people should not do'. This could cover examples of wilful disregard, wilful neglect or misconduct in public office.

It could, more prosaically, cover issues such as not advising on matters that impact on your own remuneration, pensions and other personal or financial interests.

It could debar you from being in particular meetings if your interests are involved; it could state explicitly that you should not abuse your authority as a professional manager (through such matters as giving partial and biased advice; misappropriating resources;

or bullying staff); and it could suggest that professional misconduct includes the non-disclosure of your personal interests.

Second, the notion of public accountability in the draft code is a little confused.

Senior public managers in local government are directly accountable to all those elected to govern. However, since the 2000 local government reforms, the separation of councils into (largely single party) 'political executives' and their respective overview and scrutiny functions has divided officer accountability to members.

Officers are 'held to account' by the political executive (and by councils' various executive committees), while they 'give an account' to non-executive members. The discipline that binds local government to the communities it serves is this 'accountability'.

And officers need to be fully accountable in public both for the advice they proffer to decision-makers and for their implementation of those decisions once made.

Unlike civil servants, senior public managers have a 'constitutional personality'. Their advice is not cloaked by privilege, nor are their actions. This gives strength to the decision-makers and aids the accountability of councils to the wider public.

Third, the draft code rather narrowly reduces senior managers' concerns about ethics to issues of personal and professional conduct. Of course, public sector managers need to 'be good'. But they need to be good so their organisations can 'do good'.

The code rightly asserts the importance of selflessness, integrity, accountability, openness and honesty. But this only focuses on personal and inter-personal ethics.

Senior public managers also need to assert the importance of public ethics and public reason in decision making, in policy options, in resource allocation and in arbitrating between competing claims.

Some 80 years ago the American sociologist Robert K Merton wrote about the unanticipated consequences of purposive social action. One of the key biases he then identified was what he called the 'imperious immediacy of interests'.

Large organisations can lose sight of their purposes as their internal dynamics and processes draw too much of the attention of their key decision-makers (in governance and in management). And this can happen with councils. They can become so enmeshed in their internal processes that they lose sight of their wider social purpose - to have a positive impact and do good in their locality.

Working out how best to subordinate the imperious immediacy of one's own interests to the deeper demands of the public interest is an essential element of the art of being an ethical and effective public manager.

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