

Human Resources Committee AGM Agenda



Date: Thursday, 5 July 2018

Time: 10.00 am

Venue: City Hall, College Green, Bristol, BS1 5TR

Distribution:

Councillors: Jon Wellington, Paula O'Rourke, Richard Eddy, Gary Hopkins, Harriet Bradley, Ruth Pickersgill and Jo Sergeant

Copies to: Husinara Jones, Mark Williams (People Business Partner), James Brereton (HR Advisor - HR Policy and Engagement), Shahzia Daya (Director - Legal and Democratic Services), Jacqui Jensen, John Walsh (Director: HR, Workforce and Organisational Design (Interim)) and Denise Murray (Executive Director: Resources (Acting))

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Date: Wednesday, 27 June 2018



Agenda

- 1. Election of Chair 2018/19**
- 2. Election of Vice Chair 2018/19**
- 3. Welcome, Introductions and Safety Information**
- 4. Membership of Human Resources Committee**

To note the membership of the Human Resources Committee as set out on the agenda

- 5. Terms of Reference**

To note the attached terms of reference for the Committee agreed by Annual Council at its meeting on 22 May 2018

(Pages 5 - 6)

- 6. Dates and times of meetings for 2018/19**

Date and Times of meetings 2018/19 – to note the dates and times proposed as follows:

6 September 2018 @ 10 am
8 November 2018 @ 10 am
17 January 2019 @ 10 am
7 March 2019 @ 10 am
9 May 2019 @ 10 am

- 7. Apologies for Absence**

- 8. Declarations of Interest**

- 9. Minutes of the Previous Meeting**

To agree the minutes of the last meeting as a correct record.

(Pages 7 - 13)



10. Public Forum

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on 29 June 2018

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on 4 July 2018.

- | | |
|---|---|
| 11. HR Dashboard (Q4 2017/18) | 10.30 am
(Pages 14 - 16) |
| 12. Work Programme | 10.40 am
(Page 17) |
| 13. Standing Item - Industrial Relations (verbal update) | 10.50 am |
| 14. Code of Conduct for Employees | 11.00 am
(Pages 18 - 29) |
| 15. Performance management of JNC Chief Officers (member discussion) | 11.20 am |
| 16. HR & Payroll System - verbal update regarding procurement | 11.30 am |

17. Exclusion of the Press and Public

That under s.100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 1(respectively) of Part 1 of schedule 12A of the Act.



- 18. JNC Chief Executives and JNC Chief Officers pay - national pay award** **11.40 am**
(Pages 30 - 37)
- 19. Pay of Executive Director** **11.50 am**
(Pages 38 - 42)



HUMAN RESOURCES COMMITTEE

Terms of Reference

Membership

7 members of the authority, politically-balanced in line with usual proportionality rules. In addition the relevant member of the Executive will be invited to attend meetings ex officio in a non-voting capacity (they will count towards the quorum). When the Committee is discharging functions relating to discipline and dismissals one or more voting members of the Committee will be substituted with a member(s) of the Executive.

Overview

The role of the committee primarily relates to the employment and remuneration of chief officers and deputy chief officers. Full Council has delegated to the Committee the power to determine the terms and conditions on which employees hold office including procedures for their dismissal (s.112 Local Government Act 1972) and functions relating to local government pensions (regulations under s.7, 12 and 24 Superannuation Act 1972). The relevant member of the Executive will be an ex officio (non-voting) member of the Committee.

Functions

Full Council has delegated the following functions to the Human Resources Committee to be discharged in accordance with the Officer Employment Procedure Rules:

1. Conduct and capability

- Consider any allegations/complaints regarding conduct or cases of capability (performance or health) in relation to chief officers and deputy chief officers, having regard to the model procedures and associated guidance of the Joint Negotiating Committee for Local Authority Chief Executives/Joint Negotiating Committee for Chief Officers of Local Authorities as appropriate. Where necessary to take action up to and including dismissal, except in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer, where the Committee may recommend dismissal to full Council.
- The suspension of the Head of Paid Service, Monitoring Officer and Chief Finance Officer is delegated to the Chair of the Committee; the suspension of other chief officers and deputy chief officers is delegated to the Head of Paid Service.

2. Dismissals

- Determine any proposal to dismiss a chief officer or deputy chief officer on grounds of redundancy or some other substantial reason or the expiry of a fixed

term contract where the authority has committed to renew it, except in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer where the Committee may recommend dismissal to full Council.

3. Grievances

- Hear and determine any grievance submitted by the Head of Paid Service provided that it has been referred by the Monitoring Officer.
- Hear and determine any grievance submitted by an employee against the Head of Paid Service where referred by the Monitoring Officer or Director: HR, Workforce & Inclusion.

4. Terms and conditions of employment including remuneration

- Set the terms and conditions of employment including remuneration for chief officers and deputy chief officers.
- Consider and make recommendations to full Council in relation to the Pay Policy Statement. (The Mayor should be involved and due regard given to any proposals he may have before the statement is considered and approved by full Council).
- Agree with the senior coroner the amount of their salary.

5. Other matters

- Consider proposals for major organisational change affecting chief officers or deputy chief officers.
- Monitor the development and implementation of the Council's Workforce Plan.
- Hear and determine any collective dispute where referred by the Director: HR, Workforce & Inclusion.
- Approving compensation for loss of office (ie, any payments not required by the contract of employment) in respect of chief officers and deputy chief officers.

**Bristol City Council
Minutes of the Human Resources Committee**

26 April 2018 at 2.00 pm



Members Present:-

Councillors: Paula O'Rourke (Vice-Chair, in the Chair), Richard Eddy, Gary Hopkins, Mike Langley, Jo Sergeant and Jon Wellington

Officers in Attendance:-

Husinara Jones, Mark Williams (Head of Human Resources), James Brereton (Interim People and Culture Manager), John Walsh (Interim Director: HR, Workforce and Organisational Design), Nigel Donnelly (Senior Customer Service Adviser (TU Rep)), Bryn Williams (HR Consultant) and Jeremy Livitt (Democratic Services Officer)

1. Welcome, Introductions and Safety Information

With the agreement of all Committee members, the start time of the meeting was changed to 2.30pm due to the attendance of three of four spokespersons at a meeting of the Selection Committee which was running later than anticipated.

All parties present introduced themselves.

2. Apologies for Absence

Apologies for Absence were received from Councillor Kye Dudd (Councillor Don Alexander substituting).

3. Declarations of Interest

There were no declarations of interest.

4. Minutes of previous meetings - 8th March 2018 and 20th March 2018

Meeting of 8th March 2018: Minute Number 9 – HR Constitution

The Committee noted the following outstanding action from this meeting:



“Councillor O’Rourke formally requested that Councillor Craig Cheney be asked to clarify the policy position, as soon as possible, in relation to the HR Committee’s already agreed position.”

Action: Mark Williams to write to Councillor Cheney to request a written response on this issue (copying in the Chair and Vice-Chair of the Committee).

Resolved – that the Minutes of the meetings held on 8th March 2018 and 20th March 2018 be approved as a correct record.

5. Public Forum

There were no Public Forum items.

6. Standing item - Training & Development - Apprenticeships and the Levy

Jane Taylor and Darren Perkins introduced this report. During the subsequent discussion, the following comments were made:

- (1) A 3 year strategy was being developed to achieve BCC’s targets in this area and spend the funding levy
- (2) The Team Leader for this service had recently been appointed
- (3) The team was very disappointed that it had not been successful in its recent application as part of the new national procurement scheme – however, it was acknowledged that there were approximately 2.500 providers (of which 750 had been successful). In subsequent conversations with EFSA, they had been advised that no detailed information could be provided for their unsuccessful bid ie there was just a yes or no bid
- (4) A review was being carried out to look at other potential approaches in future – for example embedding an assessor in the teams and the need to deal with mentoring
- (5) This was a very positive report with good work having been carried out. It was noted, however, that BCC was not spending enough on a monthly basis which could affect the ability to claw back the levy
- (6) Following concerns expressed by UNITE concerning Trade Union Representation on this issue in view of the partnership agreement under which this Trade Union operated, officers agreed to ensure further discussions on this issue took place
- (7) The target had not dropped since June 2017. However, it was acknowledged that the procurement process had taken time following the introduction of two new funding systems
- (8) A number of schools were launching hub provision. In addition, there was a need to diversify the workforce in specific areas
- (9) Members were assured that teams were on course so that there would not be any payback of government monies.

RESOLVED:



- (1) that the Committee notes the report.
- (2) that officers discuss with UNITE the issue of their representation on this issue – Jane Taylor/Darren Perkins
- (3) that regular progress is provided every six months – Mark Williams/James Brereton to add to Work Programme

7. Standing item - Industrial relations issues - Workforce policy savings

The Committee noted that:

- (1) Following a recent ballot of Trade Union members on 18th March 2018, the proposals relating to pay protection and redundancy payments had been rejected. However, further talks were continuing and final proposals would come to this Committee
- (2) UNITE remained very concerned about the proposed changes to their terms and conditions

Action: a report on the final outcome on negotiations with Trade Unions to be presented to a future meeting (likely to be first meeting of 2018/19 Municipal Year), with Trade Union comments being fully incorporated and appropriate officer recommendations – Mark Williams/James Brereton

8. Work Programme

The Work Programme was noted.

9. Amendments to the Code of Conduct for Employees

Bryn Williams (HR Adviser) introduced this report.

Committee Members and the UNITE Representative made the following comments:

- (1) The reference to an employee being required to advise their Line Manager in respect of their employment “or any other relevant matter” in Paragraph 7.5 of Appendix A should be removed as it is too wide ranging and ambiguous. Either this should be removed or if officers feel strongly that it needs to be included, an alternative would be “as agreed by the Chair of the HR Committee”
- (2) Whilst this code was broadly supported, it was important that it should not prevent employees from meaningful democratic engagement on organisation and operational matters, whilst requiring employees to refrain from misusing their position to lobby Councillors on particular issues
- (3) The difference between operational and organisational issues needed to be more clearly defined to clarify the right of employees to exercise their democratic freedom of speech and to avoid the creation of a “climate of fear” when employees speak to their manager. In particular, paragraph



7.3 needed to be re-phrased to avoid it being used as a means to prevent proper engagement between officers and Councillors.

- (4) There needed to be additional communication to managers to ensure that proper guidance was provided to managers on this issue
- (5) The proposed Code needed to be amended to clarify that police cautions are only legally required to be provided under the Rehabilitation of Offenders Act. In addition, in some instances, an individual might be under investigation by the Police into an issue which leads to no charges. Officers pointed out that there were situations when a caution had been made as a result of serious allegations and of which managers would not otherwise be made aware
- (6) The code needed to clarify the situation concerning safeguarding issues

In response, officers made the following points:

- (7) This Code of Conduct would operate alongside other policies and allows employees to consider protection for the employee as part of a normal employment policy. Councillors needed to have confidence in managers to operate policies properly
- (8) The word “inappropriately” is the key word to note in respect of the second sentence of Paragraph 7.3 of the proposed Code. *“You should not lobby a councillor(s) inappropriately on personal employment matters”.*

Councillor Richard Eddy moved, seconded by Councillor Paula O’Rourke and, upon being put to the vote, it was **LOST (3 for, 4 against) “that the proposed Code of Conduct is accepted and arrangements made to ensure it is properly communicated to staff.”**

There were no further motions made.

Action: a further appropriately amended report to be brought back to a future Committee meeting on this issue – Bryn Williams/Mark Williams/James Brereton.

10 The Council's Pay Policy Statement for 1st April 2018 to 31st March 2019

The Committee noted that the proposed pay policy covered 2018/19 Financial Year.

Councillor Richard Eddy confirmed that, in accordance with the agreed policy of the Conservative Group on this matter, he would be voting against any proposal to approve the recommendation contained within the report.

Councillor Jon Wellington moved, seconded by Councillor Mike Langley, and upon being put to the vote, it was

Resolved (5 for, 2 against) that the amended Pay Policy Statement be recommended to Full Council.

Action: Mark Williams/James Brereton



11 Exclusion of the Press and Public

Resolved - that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 1 of Part 1 of schedule 12A of the Act.

12 Salary of the Senior Coroner

Yvonne Dawes introduced this report.

The Committee noted that:

- (1) The current coroner was modernising the service in a challenging environment on a national level (ie the 2009 Coroner Act, which had been implemented in 2013)
- (2) The coroner in Bristol City Council was operating in one of the most complex and high volume environments in the country. It was believed that an appropriate level of salary was required to reflect this responsibility
- (3) BCC managed the coroner function for South Gloucestershire, Bath and North East Somerset and North Somerset Councils as well as BCC and funded it on a population basis ie 40% funding to match BCC containing 40% of the population

Councillor Paula O'Rourke moved, seconded by Councillor Jo Sergeant and, upon being put to the vote, it was

Resolved (unanimously): that an annual salary of £130,000 be approved for the Senior Coroner with effect from 1st April 2018.

Action: Mark Williams/James Brereton

The Committee's attention was drawn to Appendix A of the report and the comment from HR to this. Members were advised that, since no ruling on back pay had yet been made, HR officers would be discussing the matter further with colleagues in the South West.

Councillor Richard Eddy moved, seconded by Councillor Jo Sergeant and, upon being out to the vote, it was

Resolved (unanimously): that the issues of the removal of the Market Pay Supplement and cessation of the 5.5% Pension Supplement be deferred to a future meeting.

Action: Mark Williams/James Brereton



13 JNC Chief Officer case

The Committee received a report from John Walsh (Interim Director: Workforce and Change) concerning this issue.

Some members drew attention to concerns that they had raised about previous severance arrangements for some former employees. However, they felt that the proposed settlement was reasonable in the circumstances of the case.

Councillor Richard Eddy moved, seconded by Councillor Jo Sergeant and, upon being put to the vote, it was

Resolved: (6 for, 1 against) that the severance arrangements for the Executive Director: Communities to leave the Council's employment be approved with effect from 31st May 2018.

Action: John Walsh

14 Salary of Director: Commercialisation and Salary of Director: Workforce & Change

John Walsh left the meeting for the duration of this item.

The Committee noted that the Selection Committee at its meeting on 26th April 2018 had resolved "that the Human Resources Committee be recommended to make the appointment of the Director of Workforce and Change at an annual salary of £120,000."

Councillor Richard Eddy moved, seconded by Councillor Jon Wellington and, upon being put to the vote, it was

Resolved (unanimously): that the annual salaries of £105,000 and £120,000 respectively be approved for the Director: Commercialisation and the Director: Workforce and Change.

Action: Mark Williams

Meeting ended at 4.05 pm

CHAIR _____





Table 1 Current Workforce Size

Comparison with Previous/Planned

FTE	Current Quarter		Previous Quarter		Previous Year		Benchmark Data TBC		
	TOTAL	% Core workforce - Active	TOTAL	% Change in Current from previous Quarter	TOTAL	% Change in Current from same mth in previous year	Total	% Core workforce - Active	% Change in Current from Start of year
Permanent	4,884.83	95.9%	4,888.52	-0.1%	4,966.38	-1.6%	4,840	95.0%	-0.4%
Fixed Term	209.55	4.1%	218.38	-4.0%	268.28	-21.9%	255	5.0%	-26.1%
Core Workforce-Active	5,094.38	100.0%	5,106.90	-0.2%	5,234.66	-2.7%	5,094	100.0%	

Table 2 Headcount

Headcount	Current Quarter		Previous Quarter		Previous Year		Benchmark Data TBC		
	TOTAL	% Core workforce - Active	TOTAL	% Change in Current from previous Quarter	TOTAL	% Change in Current from same mth in previous year	Total	% Core workforce - Active	% Change in Current from Start of year
Permanent	5,902	95.7%	5,914	-0.2%	6,079	-2.9%	5,304	86.0%	-1.1%
Fixed Term	266	4.3%	273	-2.6%	324	-17.9%	19	7.0%	-20.8%
Core Workforce-Active	6,168	100.0%	6,187	-0.3%	6,403	-3.7%	5,323	93.0%	
Casual	864		967	-10.7%	448	92.9%		7.0%	
Election Day Staff	0		2	-100.0%	8	-100.0%			

Chart 1

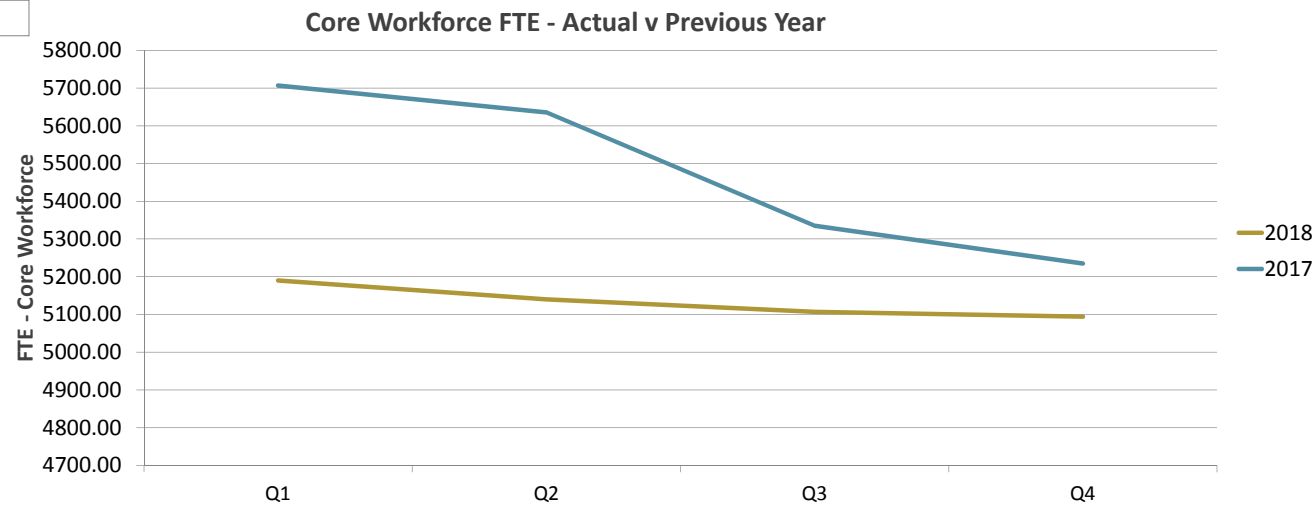
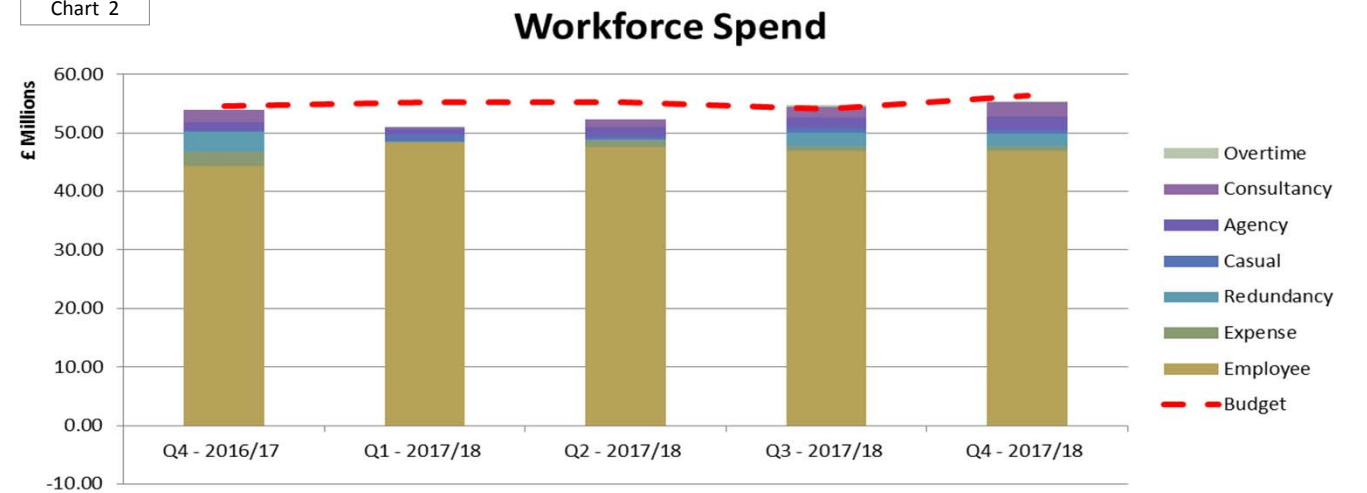


Table 3 Workforce Spend

	Current Quarter Spend (£m)	YTD Spend (£m)	YTD Variance from Budget (£m)	Current Year End Forecast from Year End Budget (£m)	YTD Last Year Spend at same Quarter (£m)	Change in Current YTD from same Quarter last year (£m)	Last Year Year End Forecast at this Quarter (£m)	Change in Current Year End Forecast from last year's Year End Forecast at this Quarter (£m)	
Employee	46.91	189.81	(18.21)	191.48	(16.54)	201.28	(154.37)	200.68	(9.20)
Overtime	0.26	1.19	(0.27)	1.73	0.27	0.00	0.26	0.00	1.73
Redundancy	2.21	4.88	1.95	3.13	0.20	11.54	(9.34)	10.99	(7.86)
Expense	0.80	2.54	(1.27)	3.31	(0.50)	3.81	(3.01)	4.39	(1.08)
Casual	0.60	3.26	1.60	2.87	1.21	0.79	(0.19)	0.77	2.10
Agency	2.35	6.46	3.29	6.78	3.61	8.78	(6.43)	9.57	(2.78)
Total	53.13	208.14	(12.91)	209.29	(11.76)	226.20	(173.07)	226.40	(17.11)
Consultancy	2.32	5.69	4.31	4.86	3.48	7.67	(5.35)	6.32	(1.46)

Chart 2



Workforce Size and Costs - Data Background

Workforce Size and Costs - Comments & Analysis

- 1) The data for this report is for both the current and the previous month which means that the figures are updated and will be different to those reported before. The same report generated on different days will give different results although there shouldn't be any significant change.
- 2) The data does not include Schools, casuals, supply, volunteers, seasonal and employees of other organisations.
- 3) Employees who have more than one job with the council are included once for each job.
- 4) The data within this report is produced in partnership with Finance.

Table 4 Movement

Starters and Leavers	Current Quarter	YTD		
	Contracts	Contracts	FTE	% FTE of In-Quarter WF
Starters	185	764	597.11	11.7%
Leavers	184	929	692.21	13.6%

Table 6 Turnover and Retention

Category	Current 12mth Roll*
Turnover	16.3%
Resignation %	5.6%
Retention	94.6%

Turnover leavers over last 12 months / headcount
 Resignation (excludes VR, retirements and other leaver categories) of leavers over last 12 months / headcount
 Retention is based on the number of staff with service of one year or more

Table 15 Interim Use

Year	Spend (£k)	Headcount
2016/17	1,482	29
2018/19	1,867	27

Chart 3 HR Cases opened by Type by Quarter

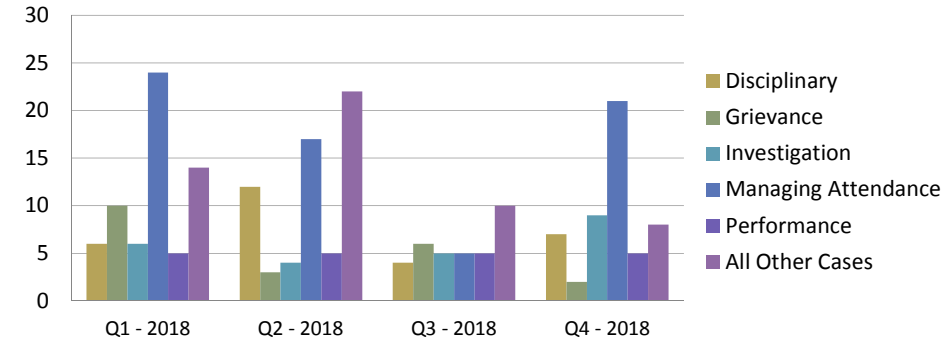


Table 5 Case Work

Case Type	Live Cases	Current Quarter		YTD
		Cases Opened	Cases Closed	AVG Case Duration Days
Disciplinary	9	7	1	71.14
Grievance	7	2	0	101.43
Investigation	16	9	0	99.75
Managing Attendance	35	21	3	96.97
Performance	9	5	1	58.73
All Other Cases	36	8	2	50.76
Total Cases	112	52	7	

All Other Cases - Collective Dispute, Settlement Agreements, Employment Tribunal, Managing Change, Members Appeal, Other, Redployment, SOSR, Suspensions and TUPE

Chart 4 Jobs Advertised by Quarter - Actual v Previous Year

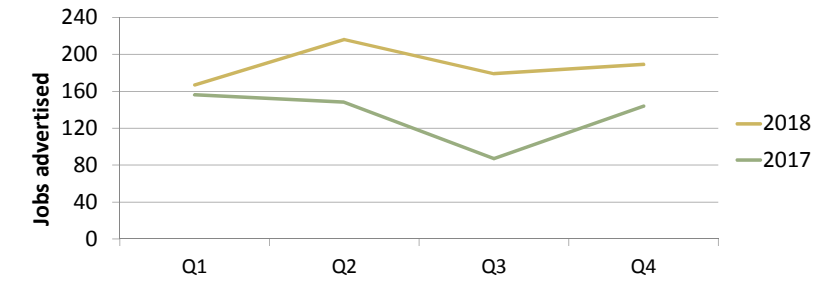


Table 7 Establishment Control

Org. Level	FTE Filled	FTE Planned Resource	FTE Planned less Filled	Vacancy rate
Bristol City Council	5094.38	6796.86	1702.48	25.05%

Table 8 Category of Leavers

Category of Leavers	Current Quarter		YTD	
	Leavers	% of Total leavers	Leavers	% of Total Leavers
Voluntary Severance (VS)	0	0.0%	6	0.6%
Compulsory Redundancy (CR)	9	4.9%	31	3.3%
Resignations	55	29.9%	321	34.6%
Retirement (Early, Voluntary & Ill Health)	16	8.7%	81	8.7%
End of Fixed Term Contract	13	7.1%	78	8.4%
Leaving one post	15	8.2%	59	6.4%
Dismissal	4	2.2%	14	1.5%
Other Reason	72	39.1%	339	36.5%

Employee Landscape - Data Background

- 1) Turnover includes all leavers and transfers out.
- 2) *"Current 12mth Roll" based on leavers in 12 mth period / headcount at period end.
- 3) AVG Case Duration is the average time elapsed between the open and closed date by case type.

Employee Landscape - Comments & Analysis

Quarterly / YTD Figures - Average Days per Employee (Annualised) Table 9

Org. Level	Current Quarter	Previous Quarter	This Quarter Last Year	Benchmark
Bristol City Council	9.11	9.19	8.16	8.40

The above figure for BCC excludes Schools based staff.

Quarterly / YTD Figures - Days per Employee (Annualised) Table 10

Org. Level	Current Quarter	Previous Quarter	This Quarter Last Year
Neighbourhoods	10.0	9.9	8.4
People	10.4	10.7	9.3
Place	8.2	8.1	7.9
Resources & City Director	6.2	5.6	5.1

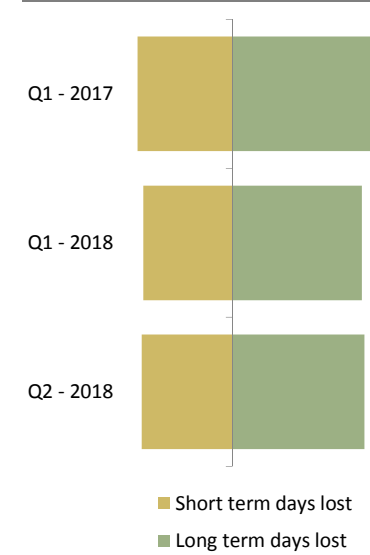
Quarterly / YTD Figures Time & Cost of Absence Table 11

Description	Current Quarter	Previous Quarter	YTD
% of Working Time lost due to sickness absence	4.27%	4.11%	4.00%

Short & Long Term Absence Table 12

Description	Current Quarter	Previous Quarter
No. of Employee instances of Short Term Sickness in Quarter	↓ 1909	1967
No. of Employee instances of Long Term Sickness in Quarter	↑ 169	150
Employees currently on Long Term Sickness	72	118
Employees Returned to work from LTS	79	69

Short and Long term Absence (Workings days lost) Chart 5

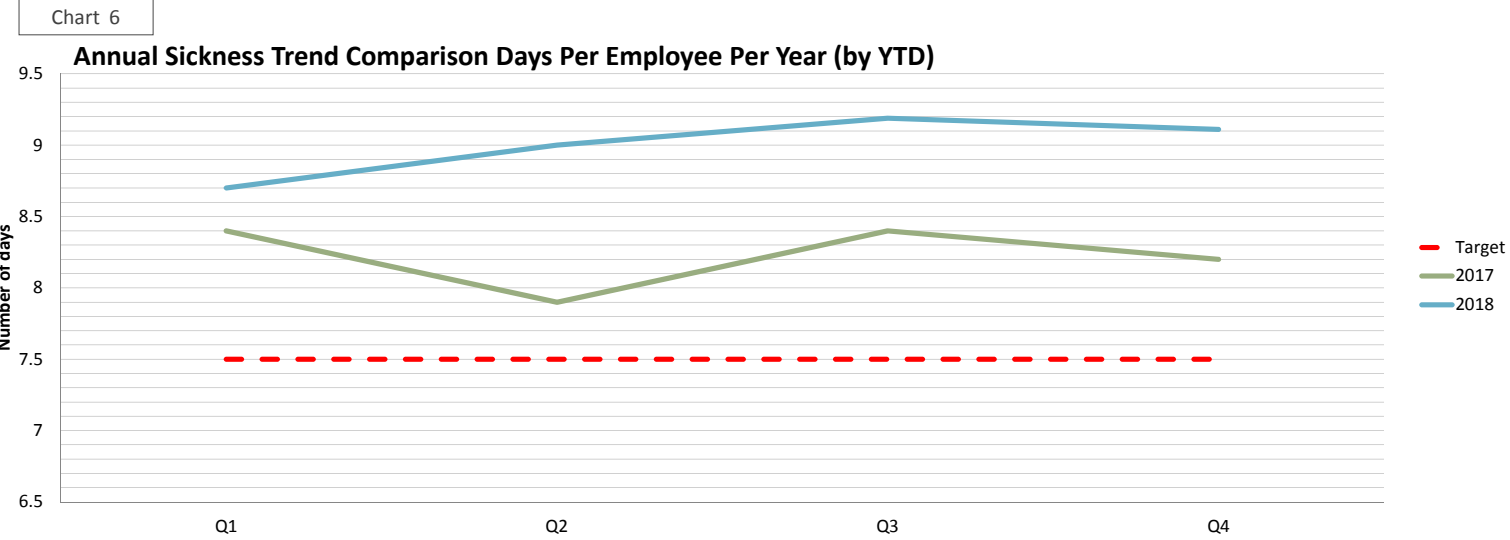


Managing Absence Compliance Table 13

Description	Current Quarter		
	% Completed	Required	Completed
Return to Work Interview	27%	2288	618
Occupational Health Referrals			
Triggers Resolved	10%	227	22

Absence Management

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Above Absence figures are based on Permanent and Fixed Term staff and do not include Casual/Sessional or Schools based staff

Top 5 YTD Reasons for Absence Table 14

Category	This Quarter		Previous Quarter		YTD	
	% of Absence	Working days lost	% of Absence	Working days lost	% of Absence	Working days lost
Other	19.2%	2629	23.5%	3023	22.9%	11702
Anxiety, Stress, Depression	17.5%	2395	20.3%	2610	22.5%	11502
Respiratory	30.8%	4219	21.3%	2745	17.9%	9170
Musculoskeletal	17.2%	2352	17.5%	2256	19.1%	9777
Surgery	7.7%	1050	9.2%	1182	8.6%	4382
Gastric	7.7%	1061	8.1%	1042	9.0%	4594

Absence Management - Data Background

- 1) Long Term Sickness is calculated as 4 weeks or more, in accordance with the Managing Attendance Policy.
- 2) Employee who have more than one job with the Council are included once for each job.
- 3) Average number of working days/shifts lost due to sickness absence per employee. Excludes absence of leavers.

*% of working Time - based on the available hrs of workforce at end of period
Working days absence per FTE divided by total working days (i.e. 225)*

Number of employees absent today - based on the number of employees absent this Quarter / 1/12th of total working days

Cost of employees absent today - based on the daily rate of the employees absent this Quarter / 1/12th of total working days

HR Committee

Work programme 2018/19

5 th July 2018	<ul style="list-style-type: none">• HR Dashboard (Q4 2017/18)• Code of Conduct for Employees• Performance management – scoping report
6 th September 2018	<ul style="list-style-type: none">• HR Dashboard (Q1 2018/19)• Apprenticeships & Apprenticeship Levy – update• Equalities report & analysis• Management re-structure savings (BE7)• Performance management• Workforce Plan
8 th November 2018	<ul style="list-style-type: none">• HR Dashboard (Q2 2018/19)• Avon Pension Fund annual report• Gender pay gap and race pay gap• Pay and grading (implications of changes to the NJC pay spine and options for Bristol)
17 th January 2019	<ul style="list-style-type: none">• Pay Policy Statement• Agile working review
7 th March 2019	<ul style="list-style-type: none">• HR Dashboard (Q3 2018/19)• Apprenticeships & Apprenticeship Levy – update
9 th May 2019	<ul style="list-style-type: none">• HR Dashboard (Q4 2018/19)

HR Committee

5th July 2018



Report of: Director: Workforce and Change

Title: Amendments to Code of Conduct for Employees

Ward: N/A

Officer Presenting Report: Mark Williams (Head of HR)

Contact Telephone Number: 0117 92 24838

Recommendation

That the Committee approves the proposed amendments to the Code of Conduct for Employees.

Summary

A range of separate matters are considered to be inadequately covered in the Code of Conduct for Employees. New or amended items have been drafted for inclusion to address this shortfall in coverage.

The significant issues in the report are:

The amendments are summarised below. The proposed wording of amendments to the Code of Conduct is in Appendix A.



Policy

1. The Code of Conduct for Employees is contractual for all employees.

Consultation

2. Internal

The Resources Executive Director Meeting has approved the proposals.

The proposals have been consulted and agreed with the trade unions.

3. External

None.

Context

4. Learning points from operational work, developments in technology and changes over time have highlighted aspects of the Code of Conduct which are not adequately covered at present.
5. The proposed amendments are intended to address the relevant shortfall in coverage, thereby ensuring that all employees understand expected behaviours in those aspects of their employment.
6. The proposals were submitted to the HR Committee in April 2018 and have been amended following feedback. Additional detail is provided below to explain why the changes are considered to be necessary.
7. Summary of items as follows:

Code of conduct item	Objective
Identity cards	Clarifies responsibility to always display ID.
Raising issues concerning Bristol City Council	<p>Clarifies the appropriate route for an employee to raise issues about Bristol City Council either as an employee or citizen.</p> <p>The current Code of Conduct for member/officer relations (point 6.4) which forms part of the Council's constitution confirms "Staff may raise issues with their councillor as citizens. They should not lobby a councillor inappropriately on personal employment or budgetary matters except within the proper management and representative procedures".</p> <p>The aim of this addition in the Employee Code of Conduct is to mirror the existing requirement in plain language, informing employees that it is not appropriate to lobby councillors on personal employment matters.</p> <p>Examples within codes of conduct from other authorities include: Newport City Council: 'Employees should operate within the Authority's management structure and procedures on all matters affecting service delivery and employment. Employees must not 'lobby' councillors on these issues.</p>

	Brighton and Hove City Council: ‘an officer must neither seek to use undue influence on an individual Member to make a decision in their favour nor to raise personal matters to do with their job, nor make claims or allegations about other officers. The Council has formal procedures for consultation, grievance and discipline.’
Disclosure of criminal proceedings	<p>Confirms the reasonable requirement to disclose any proceedings to which an employee is subject which they should reasonably understand may impact on their role, professional standing or Council reputation. (The Code already states that disciplinary action will be taken if serious misconduct/criminal offence is committed).</p> <p>Such disclosure is reasonable and vital in order for the council to be able to properly safeguard and protect citizens and service users, in particular those who are or may be vulnerable.</p> <p>Following disclosure a decision would be made on what, if any, further action, is required in respect of the employee and their work.</p> <p>For safeguarding reasons, dependent on the employee’s duties, it may be necessary to temporarily suspend an employee. Suspension is a neutral act and not a disciplinary penalty in itself and would be used as a last resort having considered alternatives to suspension.</p> <p>Pending resolution of a criminal or civil case, for example during a Police investigation or awaiting a court hearing, any disciplinary action taken would be subject to relevant HR policies and processes. Managers will be advised to seek appropriate advice from HR and Legal in these circumstances.</p>
Media	Clarifies that the provision is not intended to prevent or deter lawful whistleblowing.
Security of portable equipment	Reminder to staff of responsibility to keep equipment safe and secure.
Mobile phone use	Removes reference to repayment procedures. States personal use outside the UK is prohibited.
Photography	Given the prevalence of mobile phones with cameras in the workplace, clarifies responsibilities and requirements under the Data Protection Act to ensure relevant permissions are gained before taking or publishing photographs.
Recordings	Recording can be agreed in some circumstances (eg, if as a reasonable adjustment arising from a disability) but covert recordings are not permitted.
Regulated professions	Staff required to be registered must maintain registration and follow relevant code of practice.

8. A communications plan will be implemented to ensure awareness of the revised code of conduct is maintained for all employees, including those who are ‘off-line’, without access to email and the intranet.

Proposal

9. That the Committee approves the proposed amendments to the Code of Conduct for Employees.

Other Options Considered

10. None.

Risk Assessment

11. If the amendments are not incorporated in the Code of Conduct there will be gaps in its provisions resulting in employees not understanding expected behaviours, potentially to the detriment of the themselves and the organisation.
12. The failure to ensure employees are aware of the requirement to disclose relevant alleged criminal acts, cautions, convictions and offences removes the ability for a manager to consider and assess the potential impact on the employee's role which is in the interests of both the Council and the employee. In relation to specific posts it also risks the Council allowing employees to continue working with vulnerable service users when it may be inappropriate or unsafe for them to do so.

Public Sector Equality Duties

- 13a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

13b) Appendix B provides an equalities impact assessment.

Legal and Resource Implications

Legal

“The Report recommends amendments to the Council’s Code of Conduct for Employees. The Code of Conduct forms part of an employee’s terms and conditions of employment. Legal advice has been taken and incorporated in relation to the proposed amendments to the Code of Conduct.

The Council can lawfully and reasonably request employees to disclose any circumstances which may affect their ability to undertake the duties of their post including criminal proceedings. The Council as an employer is required to act reasonably in all the circumstances when considering any action in relation to employees and managers should be provided with clear guidance to seek appropriate advice from HR and/or Legal in such circumstances.”

Advice provided by Husinara Jones (Lawyer), 8th June 2018

Financial

(a) Revenue

“No financial comment”

(b) Capital

Not applicable.

Advice provided by Kevin Lock (Finance Manager), 9th April 2018

Land

Not applicable.

Personnel

“The amendments will become part of all employees’ contractual terms and conditions and will be communicated to employees accordingly.”

Advice provided by Mark Williams (Head of HR), 10th April 2018

Appendices:

Appendix A – Proposed amendments to the Code of Conduct for Employees

Appendix B – Equalities Impact Assessment Screening

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.

Proposed amendments to Code of Conduct for Employees

Proposed amendments to existing sections (amendments/additions in italics):

4. Health and Safety

4.1 You have a duty of care as prescribed in the corporate Health and Safety policy, and must not act wilfully or intentionally in a manner liable to place the public, your colleagues, or yourself at risk.

Identity Cards

4.2 *You must display your identity card at all times on Council premises.*

Conflicts of Interest

7. Public Duty and Private Interest

7.1 Your off-duty hours are your personal concern but you should not put yourself in a position where there is a conflict of interests between your private life and public duties. If, for example you are a member of a secret society which may cause a conflict of interest, such as the Freemasons, you must declare your membership to your manager and on a declaration form that will be held on your HR record.

7.2 *You should raise suggestions or concerns about service delivery with your manager. Suggestions about service delivery away from your own service area can also be raised with relevant management, through staff forums or with your trade union.*

7.3 *Any questions or statements you wish to submit as a citizen for public council meetings must be drafted and sent in your own time and using your own resources (e.g. not with work email). You must be clear that you are doing so as a citizen and not as a council employee. You should not lobby a councillor inappropriately on personal employment matters. If you are unsure about the process you are advised to speak to your manager. This does not restrict your right to raise concerns regarding possible malpractice under the whistleblowing policy.*

7.4 The council reserves the right to bring action against you where your conduct outside work conflicts with your public duties, or could undermine the council's reputation or public confidence.

7.5 *Employees must disclose information which is relevant to their capability, capacity and suitability to carry out the duties and responsibilities for which they are employed. An employee must immediately inform their manager in writing if, during their employment with the council, they are subject to any of the following which it would be reasonable to understand may impact upon their role, professional standing or the reputation of the council:*

- *Advised that they are under investigation for a criminal act (including road traffic offences)*
- *Arrested in connection with a criminal act*
- *Notified that criminal charges are being considered against them*
- *In receipt of a summons to appear before a Court of Law for an alleged offence*
- *Found guilty and convicted of any offence*
- *Given a police caution*

Employees who are required to drive as part of their duties must also declare any penalties received in connection with motoring offences.

In all cases, a failure to disclose relevant information or the deliberate withholding of such information can amount to a breach of trust and confidence and may lead to disciplinary action up to and including dismissal.

7.6 Serious misconduct or criminal offences committed during or outside working hours, which bring you or the council into disrepute, will be subject to disciplinary action under the council's Disciplinary policy, and may result in dismissal.

7.7 If you are involved with granting permissions or benefits, for example, planning permission, you must take no part in considering any application made by yourself, relative, friend or neighbour.

19. The Media

19.1 In general, all communications with the media relating to the activities of the council are handled through the Corporate Communications Office. You are not permitted to communicate with the media on matters relating to the activities of the council without authorisation from the Corporate Communications Office. If you are contacted by journalists you should refer them to the Corporate Communications Office. *This is not intended to prevent or deter lawful whistleblowing.*

22. Use of Council Facilities and Systems

22.1 The council's property and facilities are provided for official council business. *You are responsible for taking reasonable steps to ensure the safety and security of any portable equipment provided to you.* All council-owned portable equipment and devices must be returned on leaving council employment and any council-owned or supplied data must be deleted. Access to systems used for council purposes must be terminated permanently.

24. Telephones and Mobile Phones

24.1 *Generally,* You should use the telephone or other mobile devices provided by the council for business use only. ~~*Where personal use outside working hours of specific devices, e.g., Blackberrys, is permitted, costs must be paid in line with repayment procedures.*~~

24.2 The council recognises in exceptional circumstances it may be necessary for you to make or receive personal calls or email during working hours using the device - personal use should be brief, and made during your breaks if possible. *You must not use your device for personal calls outside the U.K.*

27. Social networking websites

27.2 The council respects your right to a private life and you are encouraged to exercise discretion and use social media responsibly at all times. The council must also ensure relevant protection for its operations, confidential information and reputation. If using social networking websites at work or in your private life, the following applies to you:

- You must avoid making any social media communications that could damage the council's business, operations or reputation, even indirectly.
- You must not use social media to:
 1. defame or disparage the council, staff or any third party;
 2. harass, bully or unlawfully discriminate against staff or third parties;
 3. make false or misleading statements; or
 4. impersonate colleagues or third parties
 5. *upload or publish without consent photographs taken on council premises or of council employees (refer to section 'x' [tbc] for further information on photography)*

Proposed new sections:

Photography

Any photography which takes place during the course of your employment or your working time, should be with the consent of the individuals being photographed and if relevant, your line manager. Photographs which are taken during your working time of or within non-council premises must have the permission of the owner of the premises.

If you plan to publish or upload any photographs to the internet or social media you must get the written permission of all identifiable people before doing so. Photographs of children require the written consent of parents or carers and permission from your line manager.

Recordings

The council expects that the recording of a meeting or conversation during the course of employment will take place only with the consent of all those present. Where a request is made to make a recording, it will be considered on a case-by-case basis taking into account relevant considerations, for example where the recording of a meeting may be a reasonable adjustment related to an employee's disability. The council will reserve the right to request a copy of the recording. The council does not permit covert recording under any circumstances. Any such recording will be considered to be a disciplinary matter.

Professional Qualifications, Registrations and Conduct

If your employment with the council is in a post which requires you to either be registered with a statutory and/or professional organisation, to hold membership of a professional body or hold any other qualification, it is your duty to ensure you are able to comply with the relevant obligation. You may be requested to provide evidence of compliance to your line manager. You should also comply with any duty you may have to inform your professional body of a matter which may impact on your registration or membership. You should inform your line manager of the matter too.

You must ensure that the relevant code of practice is followed during the course of your duties, this includes formal reporting to the professional body on any matter where there is a duty to do so.

BRISTOL CITY COUNCIL
Equality Impact Assessment – Part One - Screening

Part one of an EqlA – the screening – should be carried out at the planning and development stage of a policy, project, service, contract or strategy. This form should be used in conjunction with the guidance and as the first part of a full EqlA.

Name of policy, project, service, contract or strategy being assessed	Code of Conduct for Employees
Directorate and Service	Council wide
Names and roles of officers completing the assessment	Bryn Williams – HR Adviser
Main contact telephone number	
Date	23/03/18

1. Identify the aims of the policy, project, service, contract or strategy and how it is implemented

	Key Questions	Notes / Answers	Any actions needed? By whom?
1.1	Is this a new policy, project, service, contract or strategy or a review of an existing one?	Review of existing policy.	
1.2	What is the main purpose of the policy, project, service, contract or strategy?	To define standards of conduct and behaviours expected of all employees	
1.3	What are the main activities of the policy, project, service, contract or strategy?		
1.4	Who are the main beneficiaries? Whose needs is it designed to meet?	All employees and the organisation	
1.5	Which staff carry out the policy, project, service, contract or strategy?	All employees are bound by its provisions	
1.6	Are there areas of the policy or function that could be governed by an officer's judgement? eg. home visits "where appropriate". If so, is there guidance on how to	Before any action were to be taken against an employee for breach of the code a proper fact finding/investigation process would have to be undertaken	

	exercise this to prevent any possible bias/prejudice creeping in?	and conclusions drawn, as it would for all disciplinary processes.	
1.7	Is the Council working in Partnership with other organisations to implement this policy or function? Should this be taken into consideration? eg. Agree equalities monitoring categories Should the partnership arrangements have an EqIA?	N/A	
1.8	Taking the six strands of equalities, do you have any initial thoughts that any of the six equalities strands have particular needs relevant to the policy or function? Or is there anything in the policy, project, service, contract or strategy that you can think of at this stage that could discriminate or disadvantage any groups of people? ie. Gender Disability Age Race Sexual Orientation	Applies equally to all employees. The recording of meetings where it is of assistance to disabled employees is referenced. Other than this there is no reason to believe particular groups may be discriminated against or disadvantaged.	

	Transgender Religion/Belief Do any other specific groups have particular needs relevant to the policy, project, service, contract or strategy?		
1.9	Did you use any data to inform your initial thoughts above? What data do you already have?	N/A	
1.10	Are there gaps in the data that require you to do further work? What are these gaps?	N/A	

If the result of the screening process is that there is the potential for a significant impact on any equality group or if any equality group has significantly different needs, then a full equality impact assessment must be carried out. If you are unsure please seek advice from a directorate or corporate equalities officer.

Signed
Service Manager
Date

Signed
Directorate Equalities Adviser/Officer or Equalities Contact
Date

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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