

HR Committee

26th April 2018



Report of: Interim Director: HR, ICT and Change

Title: Amendments to Code of Conduct for Employees

Ward: N/A

Officer Presenting Report: Mark Williams (HR Business Partner)

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. Summary of items as follows:

Code of conduct item	Objective
Identity cards	Clarifies responsibility to always wear ID.
Raising issues concerning Bristol City Council	Clarifies the appropriate route for an employee to raise issues about Bristol City Council either as an employee or citizen.
Disclosure of criminal proceedings	Introduces 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).
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.

Proposal

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

Other Options Considered

8. None.

Risk Assessment

9. 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 organisation.

Public Sector Equality Duties

- 10a) 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.

10b) 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."

Advice provided by Husinara Jones (Lawyer), 10th April 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.