

# HR Committee

5<sup>th</sup> 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), 8<sup>th</sup> June 2018

#### **Financial**

##### **(a) Revenue**

*“No financial comment”*

##### **(b) Capital**

Not applicable.

Advice provided by Kevin Lock (Finance Manager), 9<sup>th</sup> 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), 10<sup>th</sup> 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.