



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE**

**TUESDAY, 27 JUNE 2023**

**Report of the Executive Director - Corporate Services and Transformation**

**Code of Conduct for Employees**

## **1. Purpose**

1.1 To agree the updates and amendments to the Code of Conduct for Employees following the scheduled review and refer them to Governance, Ethics and Standards Committee and full Council for approval and inclusion in the Constitution.

## **2. Information and Analysis**

2.1 The Council's employment procedures are updated and reviewed on an ongoing basis to ensure they remain relevant and up to date to ensure the Council meets its commitments outlined in the Council Plan. Work has been undertaken to review and revise the current Code of Conduct for Officers to ensure it remains relevant and fit for purpose.

2.2 The last major review of the Code of Conduct was in April 2015. Minor updates were undertaken in June 2015 to reflect the replacement of the General Social Care Council by the Health and Care Professional Council and in July 2020 to reflect changes to terminology aligned to the current HR model.

2.3 The updated Code of Conduct is aligned to reflect the Council's values and People Strategy and to reflect the recently implemented Working Arrangements Policy.

2.4 Benchmarking has been carried out against other similar organisations with the aim of achieving best practice.

2.5 Prior to any amendments being undertaken, the current document was shared with both Legal and Audit Services to obtain advice and suggestions on any necessary revisions. It has also been shared with Trade Unions for

comments.

2.6 Additionally, Adult Social Care and Health currently have in place a separate Code of Conduct which mirrors the Council Code, but with additional information relating mostly to gifts, hospitality and legacies. Following a suggestion by Adult Social Care and Health, the two documents have been incorporated into one single document and work has been undertaken with the department to facilitate this.

2.7 The amendments to the Code are detailed below:

- To rename it Code of Conduct for Employees
- Technical changes and terminology to ensure links and dependencies and any references to current procedures are accurate and up to date.
- Additional wording has been included to reflect alignment to the Council Plan.
- The scope has been widened to encompass relief workers and apprentices and to suggest that other relevant individuals should adhere to its principles and ethos in line with current legal advice. This includes contractors, agency workers, consultants and those on student / work experience placements.
- A new section is included regarding roles and responsibilities to ensure all those affected are fully aware of their individual responsibilities.
- The section on personal behaviours has been strengthened in order to clarify possible repercussions in regard to attending work when under the effect of alcohol or non-prescription drugs and clarification provided on what might be considered as inappropriate dress.
- The relevant legislation in relation to political neutrality has been referenced as a matter of good practice.
- The section on personal relationships has been updated in order to clarify an individual's personal responsibilities with regard to when it may be necessary to declare a personal relationship, and also to link to other policies, specifically Recruitment and Selection.
- The section on additional employment has been updated. This has enabled additional information contained in the Adult Social Care and Health Code to be incorporated, which includes the requirement of not undertaking private work for clients. This section has also been updated to reference additional requirements of the Officer's Interests Policy.
- The section relating to use of council property has been updated to incorporate additional information from the Adult Social Care and Health document.
- The section on gifts, hospitality and legacies has been updated to incorporate the information in the Adult Social Care and Health document. Legal advice has been sought and incorporated, specifically in relation to

legacies to ensure employees are aware that are required to sign an official disclaimer should they benefit from a client's will.

- An additional section has been included, incorporated from the Adult Social Care and Health document, concerning transactions, correspondence, legal and financial business. This is to ensure employees understand the boundaries to which they must work when undertaking roles in relation to clients.
- It has been suggested by Legal Services that employees be required to sign to confirm that they have received a copy of the Code of Conduct and this will be incorporated into employment contracts.
- Additional wording acknowledging employee's right to a private life.

2.8 Currently the Code of Conduct for Officers is included at Appendix 12 and the Ethics Statement at Appendix 10 of the Constitution. The Ethics Statement is based on the Nolan principles which apply to all those appointed to work in local government and is focused on expected behaviours and are referenced in the revised Code of Conduct. Any amendments to the Constitution must therefore be considered by the Governance, Ethics and Standards (GES) Committee and approved by full Council. In addition to the amendments outlined above, it is proposed that the Appointments and Condition of Service (ACOS) Committee recommend to the (GES) Committee at its meeting on 13 July 2023, to remove the Code of Conduct from the Constitution, and amend the role of the ACOS Committee to delegate authority to approve future changes to the Employee Code of Conduct. In addition, it is proposed that, the Ethics Statement is also removed from the Constitution and incorporated into the revised Employee Code of Conduct as a separate Appendix. Should the GES Committee support the recommendation this would then be presented to Full Council for approval at its meeting on 13 September 2023.

### **3. Consultation**

3.1 Consultation with recognised trade unions has been undertaken initially through the CJC HR Operations Workstream and latterly through the Policy Forum. Initial suggestions have been discussed and wording strengthened on the areas where the trade unions have expressed concerns. Further minor comments were received at the Policy Forum on 16 May 2023. Where appropriate these have been incorporated into the Code of Conduct and the final document has been shared with trade unions. The Code of Conduct for Employees has been developed in consultation with the trade unions however, they have not yet confirmed final agreement.

### **4. Alternative Options Considered**

4.1 An alternative option could be not to update the Code of Conduct however; it is accepted good practice to regularly review current employment procedures to ensure they remain relevant and up to date with current legal advice. By not reviewing the Code of Conduct it could become out of date and out with best practice.

4.2 In addition, it has been considered that the council chooses not to have a code of conduct in place, however this is not the recommended approach. The benefits of having a code of conduct enables the council's mission, values, and principles to be assembled in one document and links them with standards of professional conduct expected and articulates the desired behaviours of employees.

4.3 Finally, an alternative option could be to leave the Code of Conduct in the Constitution. However, this is not recommended as the Constitution does not include any other employment policies, with other employment policies being approved at ACOS. Therefore, amending the delegations to enable the ACOS Committee to approve changes to the Employee Code of Conduct aligns our approach consistently to the approval of the Council's other employment policies.

## **5. Implications**

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **6. Background Papers**

6.1 None

## **7. Appendices**

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Revised Employee Code of Conduct

7.3 Equality Impact Assessment

## **8. Recommendation(s)**

That Committee:

- a) Notes and supports the updates and amendments to the Employee Code of Conduct following the scheduled review and refers them to Governance, Ethics and Standards Committee for consideration and referral to Council for approval.
- b) Recommends to Governance, Ethics and Standards Committee and Council that the Code of Conduct for Officers is removed from the Constitution and Council delegates responsibility for the consideration and approval of the Code of Conduct to the Appointments and Conditions of Service Committee.
- c) Recommends to Governance, Ethics and Standards Committee and Council that the Ethics Statement is removed from the Constitution and incorporated into the Employee Code of Conduct as a separate appendix.

## **9. Reasons for Recommendation(s)**

9.1 It is considered that the proposed revisions will provide more clarity for employees and managers and reflect best practice when dealing with conduct issues.

9.2 The removal of the Code of Conduct for Officers and the Ethics Statement from the Constitution will enable future amendments to be implemented in an expedient manner and avoid the need to make future changes and updates to the Constitution as well as aligning the Code of Conduct with other employment policies.

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## **Implications**

### **Financial**

1.1 There are no financial implications connected with this report.

### **Legal**

2.1 Legal advice has been sought and implemented into the revised Code of Conduct.

2.2 Section 9P of the Local Government Act 2000 requires a local authority to prepare and keep up to date a constitution, which must contain a copy of the authority's standing orders and a copy of the authority's code of conduct and such information as the Secretary of State may direct.

2.3 In 2000, the Secretary of State issued the Local Government Act 2000 (Constitutions) (England) Direction 2000 which set out the information that the constitution of a local authority should contain. This includes "A description of the roles of officers of the local authority including...the code of conduct for local government employees issued by the Secretary of State in accordance with section 82 of the Local Government Act 2000." Since the issue of the direction, section 82 has been repealed for England by the Localism Act 2011 and no longer applies. The Council could, therefore, agree to remove the Code of Conduct for Officers from the Constitution and delegate responsibility for its approval to the Appointments and Conditions of Service Committee. This is a non-executive function and can therefore be delegated to the Committee.

2.4 Article 22 of the Constitution makes it clear that changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Governance, Ethics and Standards Committee.

### **Human Resources**

3.1 Legal comments have been sought and incorporated. Legal Services have suggested it would be advisable to ensure employees be required to sign to confirm receipt of the Code of Conduct. It is proposed to include a statement within the employment contract which outlines that in signing the contract the employee accepts receipt of the Code of Conduct. This is in response to feedback from disciplinary cases whereby an employee has breached the Code of Conduct, but individual's state they were not aware of

it. Work will be undertaken with HR Services to facilitate this.

## **Information Technology**

4.1 There are no IT implications connected with this report.

## **Equalities Impact**

5.1 An Equalities Impact Assessment has been completed and shared for comment with the Equalities, Diversity and Inclusion Manager. A copy of this document is attached as Appendix 3.

## **Corporate objectives and priorities for change**

6.1 To enable organisational transformation and effective employee relations.

## **Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None