



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**COUNCIL**

**WEDNESDAY, 13 SEPTEMBER 2023**

**Report of the Director of Legal and Democratic Services and the Interim  
Director of Organisation Resilience, People and Communications**

**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 recommendations by the Appointments and Conditions of Service Committee and the Governance, Ethics and Standards Committee; and
- 1.2 To consider an amendment to the constitution to remove the Code of Conduct for Employees and the Ethics Statement from the Constitution and delegate decision-making regarding future amendments to the Code of Conduct for Employees to the Appointments and Conditions of Service Committee.

**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 that it remains relevant and fit for purpose.
- 2.2 On 27<sup>th</sup> June 2023, the Appointments and Conditions of Service Committee (ACOS) agreed a revised Code of Conduct for Employees. ACOS also supported the proposal that the Ethics Statement, which

is currently a separate document at Appendix 10 of the Constitution should be incorporated into the Code and no longer remain separate. A copy of the report to the Appointments and Conditions of Service Committee setting out the proposed amendments at paragraph 2.7 and the reasons for the amendments is attached at Appendix 2.

- 2.3 Currently, the Code of Conduct for Officers is included at Appendix 12 to the Constitution and any amendments must therefore be considered by the Governance, Ethics and Standards Committee (GES) and approved by full Council.
- 2.4 In addition to the amendments detailed in the attached report, the ACOS Committee recommended at its meeting on 27 June 2023 to remove the Code of Conduct from the Constitution and proposed that the role of the ACOS Committee be amended so that the ACOS Committee has delegated authority to approve future changes to the Employee Code of Conduct.
- 2.5 Whilst the inclusion of the Employee Code of Conduct within the Constitution may raise the profile of the Code and ensure Member support for the Code, no other employment policy forms part of the Constitution. Furthermore, as an employment document, it is appropriate for it to be regularly updated and reflect employment conditions at any given time. Removing the code from the Constitution will result in the Code being considered in line with other employment policies and enable amendments to be made and implemented more quickly and efficiently. It is therefore proposed that the role and function of the Appointments and Conditions of Service Committee in Article 13 of the Constitution is amended to include "To approve the Code of Conduct for Employees".
- 2.6 Removal of these two documents will also require further amendments to be made to the Constitution to re-number the appendices.
- 2.7 At its meeting on 13<sup>th</sup> July, GES supported those recommendations made by ACOS. A copy of the report to GES is attached at Appendix 3. In addition to the written report, GES considered a verbal report of a proposed change which arose following a meeting with the trade unions on 20<sup>th</sup> June which occurred after the papers has been published for the ACOS Committee on 27<sup>th</sup> June.
- 2.8 The trade unions requested that a further statement be included about how behaviour in an employee's personal life may affect them at work. It is proposed that the following wording be added within the section relating to personal behaviours at page 7 of the Code:

*“Employees should be aware that there are some circumstances where behaviour outside of work can impact on the employment relationship. If your conduct outside of work affects your ability to carry out your role, or could cause damage to the Council’s reputation, you could be investigated under the disciplinary procedure”.*

- 2.9 A copy of the proposed Code of Conduct for Employees is attached at Appendix 4 including the additional wording requested by the trade unions supported by ACOS and GES. The Code is now presented to Council for consideration, together with the proposal to remove the Code and Ethics Statement from the Constitution.

### **3. Consultation**

- 3.1 Consultation for the amendments to the Code of Conduct with recognised trade unions has been undertaken initially through the CJC HR Operation Workstream and latterly through the Policy Forum. Where appropriate these have been incorporated into the Code of Conduct. The final documents have been shared with trade unions and Agreement with the trade unions on the final version of the Code which is attached at Appendix 3 has been reached regarding the changes.
- 3.2 Consultation has not been undertaken in relation to whether or not the code should be included within the Constitution as this is an administrative decision.

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

- 4.1 An alternative option would be to retain the Code of Conduct and the Ethics Statement as part of the constitution. Whilst this might raise the profile of the code and ensure Member support, it would entail any future amendments, however minor, being referred to the ACOS Committee and then to GES Committee and full Council for approval.

### **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 – ACOS report 27 June 2023 – Code of Conduct for Employees. The Code is not appended to that report as further changes have been made to it (set out in paragraph 2.8 above).
- 7.3 Appendix 3 – Report to the GES Committee 13<sup>th</sup> July 2023 – Code of Conduct for Employees
- 7.4 Appendix 4 – Proposed new Code of Conduct for Employees
- 7.5 Appendix 5 - EIA

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

That Council:

- a) approves the amendments to the Employee Code of Conduct as outlined in the report at paragraph 2.8 and as recommended by ACOS and GES;
- b) determines that the revised Code of Conduct for Employees at Appendix 4 should be adopted by the Council;
- c) agrees that the Employee Code of Conduct and Ethics Statement currently included within the Constitution at Appendices 12 and 10 are removed from the Constitution and that the Monitoring Officer be authorised to make any consequential amendments resulting from the removal of these two appendices to the Constitution; and
- d) agrees that responsibility for the consideration and approval of the Code of Conduct for Employees be delegated to ACOS Committee as a corporate employment policy and that the Monitoring Officer be authorised to amend Article 13 of the Constitution as set out in paragraph 2.5 of the report.

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

- 9.1 The proposed revisions to the Employee Code of Conduct 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 Employees and the Ethics Statement from the constitution will enable future amendments to be implemented more expeditiously as it will only require consideration by one Committee. As the Code of Conduct for Employees is the only

employment policy included in the Constitution, removal of it and delegations of responsibility to the ACOS Committee would align it with the other council employment policies and ensure that all such policies are considered by the same Committee under the same procedure.

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## **Appendix 1**

### **Implications**

#### **Financial**

1.1 None

#### **Legal**

- 2.1 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.
- 2.2 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 Employees 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.
- 2.3 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 & Standards Committee.

#### **Human Resources**

- 3.1 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 for Employees. This is in response to feedback from disciplinary cases whereby an employee has breached the Code of Conduct for Employees, but individual's state they were not aware of it. Work will be undertaken with HR Services to facilitate this.

#### **Information Technology**

4.1 None

## **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 5. However, the assessment does not identify any issues for concern.

## **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