

PUBLIC

**MINUTES** of a meeting of **APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE** held on Tuesday, 27 June 2023 in Committee Room 3, County Hall, Matlock.

**PRESENT**

Councillor B Lewis (in the Chair)

Councillors S Spencer, J Dixon, R George, S Hobson, T Kemp and S Swann.

Apologies for absence were submitted for Councillor R Flatley.

Officers present: E Alexander (Managing Director), P Buckley (Head of Reward & Resourcing), M Kenyon (Director of Finance & ICT), J Lakin (Assistant Director of Legal Services), J O'Sullivan (Executive Director Corporate Services & Transformation) and J Skila (Interim Director of Organisation Resilience, People & Communications)

**10/23 TO RECEIVE DECLARATIONS OF INTEREST (IF ANY)**

There were no declarations of interest.

**11/23 TO CONFIRM THE NON-EXEMPT MINUTES OF THE MEETING HELD ON 8 MARCH 2023**

The minutes of the meeting held on 8 March 2023 were confirmed as a correct record.

**12/23 CODE OF CONDUCT**

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

The amendments to the Code were as follows:

- To rename it Code of Conduct for Employees
- Technical changes and terminology to ensure links and dependencies and any references to current procedures were accurate and up to date.
- Additional wording had been included to reflect alignment to the Council Plan.
- The scope had 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 included contractors, agency workers, consultants and those on student / work experience placements.

- A new section had been included regarding roles and responsibilities to ensure all those affected were fully aware of their individual responsibilities.
- The section on personal behaviours had 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 had been referenced as a matter of good practice.
- The section on personal relationships had 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 had been updated. This had enabled additional information contained in the Adult Social Care and Health Code to be incorporated, which included the requirement of not undertaking private work for clients. This section had also been updated to reference additional requirements of the Officer's Interests Policy.
- The section relating to use of council property had been updated to incorporate additional information from the Adult Social Care and Health document.
- The section on gifts, hospitality and legacies had been updated to incorporate the information in the Adult Social Care and Health document. Legal advice had been sought and incorporated, specifically in relation to legacies to ensure employees were aware that they were required to sign an official disclaimer should they benefit from a client's will.
- An additional section had been included, incorporated from the Adult Social Care and Health document, concerning transactions, correspondence, legal and financial business. This was to ensure employees understood the boundaries to which they must work when undertaking roles in relation to clients.
- It was proposed that employees be required to sign to confirm that they had received a copy of the Code of Conduct and this would be incorporated into employment contracts.
- Additional wording acknowledging employee's right to a private life.

It had also been recommended that the Code of Conduct be removed from the Constitution and amend the role of the ACOS Committee to delegate authority to approve future changes to the Employee Code of Conduct. It was also proposed that the Ethics Statement was also removed from the Constitution and incorporated into the revised Employee Code of Conduct as a separate appendix.

Consultation with recognised trade unions had been undertaken. Suggestions had been discussed and wording strengthened on the areas where the trade unions had expressed concerns. Further minor comments had been received in the Trade Union Policy Forum further to the circulation of reports for the planned ACOS Committee. A further statement had been incorporated into the Code to outline how behaviour in an employee's private life may affect them at work. Therefore, the following wording had been added:

*'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'.*

All feedback from Trade Unions had been fully considered and therefore consultation on the Code of Conduct has been concluded and whilst the requirement is to consult, it was anticipated that agreement would be reached with the Trade Unions.

On behalf of the Committee, the Chairman thanked the officers for the substantial amount of work that they had undertaken to review the Code.

**RESOLVED** that the Committee:

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

### **13/23 DISCIPLINARY PROCEDURE**

Work had been undertaken to review and revise the Disciplinary Procedure for employees and the associated Manager Guidance. The updated procedure was aligned to reflect the Council's values and People Strategy. The amendments to the Procedure for consideration were as follows:

- Technical changes/terminology to ensure links and dependencies and any references to current procedures were accurate and up to date.
- Additional guidance concerning the recording of meetings following advice from Audit Services.
- Strengthening the guidance on the need for neutrality of the Investigating Officer to ensure a fair procedure was followed.
- Strengthening the information regarding an employee's right to be accompanied at all relevant meetings to ensure employees were fully aware of this option.
- Reference had been included to ensure awareness of the requirement in some instances for the organisation to make a notification to relevant professional bodies where this was a requirement of the role. Although the requirement was not new it was not currently referenced within the procedure.
- Additional advice had been provided on making reasonable adjustments for employees subject to disciplinary procedures to ensure we were doing everything possible to facilitate their attendance at meetings and enable individuals to fully participate in the process.
- Additional information incorporated regarding 'alternatives to suspension' to ensure these were reasonable and took account of employee wellbeing.
- An additional section had been included regarding 'adjustments to proceedings' to clarify this may need to be considered in order to accommodate reasonable adjustments for employees and to promote good practice.
- A reminder to employees that support can be obtained throughout the process from their relevant trade union had been included.
- The advice on the implications of receiving a disciplinary sanction whilst a current sanction was still in place had been reworded to provide clarity.
- Clarification had been provided that where an employee wished to suggest an alternative date for a hearing, due to the unavailability of their preferred representative, consideration will be given to extending the time limit as long as the revised date remained within a reasonable timeframe.
- Grounds of appeal had been incorporated into the procedure.
- Minor rewording to the list of examples of misconduct
- It was also intended that the disciplinary procedure and the related manager guidance be incorporated in to one document in order to promote transparency as it had been suggested by the trade unions that currently employees may have difficulty accessing the guidance. Work was currently underway to facilitate this.

Consultations with recognised trade unions had been undertaken and where appropriate their comments had been incorporated into the Procedure. A final policy forum with joint trade unions with respect to the Disciplinary Procedure was held on 20 June 2023. Joint trade unions had raised some final minor elements, which have been considered and the following changes were outlined:

- A minor change has been applied within the Procedure to the section on suspensions to refer to the criteria which outlines the '*Reasons for Suspension*' within the manager guidance.
  
- A short section on 'Investigations' has been added within the procedure to signpost the reader to the more detailed information in the manager guidance. As a result, the following section has been added to outline the purpose of an investigation (aligned to ACAS guidance):'

#### *Investigations*

*Where a potential disciplinary issue is identified, the Council will carry out an investigation to find out the details of the issue. The purpose of the investigation is to:*

- *Consider if there is a case to answer*
- *Ensure all parties are treated fairly*
- *Gather evidence from all parties*
- *Recommend what, if anything should happen next*

*For more detail on investigations see section 26.*

The Committee discussed section 8 of the procedure, 'Action Against Trade Union Representatives', and requested that this section was amended to make it clearer that should an incident requiring investigation occur whilst an employee is acting in the capacity of a Trade Union Representative, then this should be discussed with the relevant Branch Secretary and/or official employed by the union. The Committee agreed to receive the amended draft wording by email following the Committee.

**RESOLVED** that the Committee approves the revised document 'Disciplinary Procedure' subject to the revised statement being included within the Procedure.

Meeting finished at 4.29pm