
EMPLOYEE CODE OF CONDUCT

Responsible Cabinet Member – Councillor Stephen Harker, Resources Portfolio

Responsible Director - Paul Wildsmith, Director of Corporate Services

Purpose of Report

1. The purpose of this report is to seek Members approval of a revised Employee Code of Conduct.

Background

2. Although the current Code of Conduct was confirmed in 2002 it has not been reviewed for a number of years. In 2002/3 the Standards Committee identified as part of its work programme that it should review the Employee Code of Conduct. The need for review is also identified as part of the Council's Code of Corporate Governance. The Employee Code of Conduct has not however been reviewed pending the introduction of a national model Code of Conduct for Employees which was to follow the model code for Members, introduced in 2001.

The Model Code of Conduct

3. The Government issued a draft model Code of Conduct for Employees for consultation in 2004 and received 640 responses. However, no further announcement was made regarding progressing the model until the paper 'Standards of Conduct in English Local Government: The Future' was issued in December 2005. This paper outlined the Government's vision for developing the regimes governing standards of conduct in local government. It focused particularly on Members and a review of the Members' Code of Conduct undertaken by the Standards Board for England but also reported back on the consultation exercise regarding the model Code of Conduct for Employees.
4. The paper stated that the Government considered that it was important to maintain high standards of conduct for local authority employees. To ensure that such standards were defined effectively and consistently, it was still minded to issue a Code of Conduct, which all employees should follow. The intention was that the Code would set out only general principles of conduct, and that authorities should take ownership of the operation of those principles locally.
5. The paper added that to ensure that the lessons learned from the operation of the Code of Conduct for Members were fed into the Employees' Code, further consideration of the contents of the Code for Employees would be needed following on from the planned detailed amendments to the Members' Code arising from the Standards Board for England's review.

6. There has been no announcement of a revised draft model code for employees, and the review of our own Code of Conduct, is now long overdue. Given the indication that the model code will take the form of broad principles, these have been included in the revised draft. In addition a number of changes are suggested which have arisen from the experience of operating the existing code.

Proposed Changes

7. The changes to the Code of Conduct concentrate mainly on providing more clarity where necessary and on updating provisions in the light of legislative changes and experience. The opportunity has also been taken to reflect good practice principles expected to be included in the Government's model code for employees when finally published. The Code introduces a register of interests for staff at Assistant Director level and above.
8. The Code of Conduct for Employees incorporates the Confidential Reporting Policy (in relation to Whistleblowing). This document was reviewed in 2003 and it is not felt necessary to review this document at this stage.

Areas for Review

9. The following areas have been considered when reviewing the code :-
 - (a) Although the Members Code of Conduct is not a parallel with the officer's code and other human resources policies and procedures cover the conduct of staff, the Officer Code was reviewed in the light of the Member Code of Conduct.
 - (b) The existing Code made it difficult in some areas for employees to understand what action they should take, and the proposed changes are designed to give greater clarity to the advice and make it easier for employees to follow. These areas are:-
 - (i) gifts to staff working in care homes
 - (ii) outside commitments and intellectual property
 - (iii) personal interests and registration and declaration of interests
 - (iv) interests in planning matters
 - (v) gifts and hospitality
 - (vi) use of Council resources
 - (c) To specifically pick up the need for greater guidance in relation to the acceptance and declaration of gifts and hospitality this section has been strengthened and a checklist has been incorporated as a separate appendix to the Code itself. A number of other amendments have been made to update the Code.
 - (d) The Code will be a first point of contact for many staff, it is available on the Intranet and will be made available to all new staff. It is therefore important that where requirements are set out in other policies, the Code signposts these requirements by reference and links to other documents.
 - (e) Unlike the register for Members, the Council currently has no employee register of interests. The Audit Commission have recommended a register of Officer Interests as good practice, and this was initially recommended as part of the national code,

although this was strongly resisted by many authorities who felt it was impractical to have a register for all staff. It was felt that for many staff, the cost of administering such a register would exceed the benefits. It is therefore proposed to introduce a register for those with the majority of delegated decisions at Assistant Director level and above. This will be administered by the individual through a system managed by the Human Resources Division. Although there is a statutory requirement for the Member register of interests to be available for public inspection, there is no similar requirement for the Employee Code and as the register will contain personal data the Data Protection Act 1998 will need to be observed. The register will be accessible to certain officers where they have been asked to investigate i.e. Chief Internal Auditor, Borough Solicitor, Head of Human Resources and Chief Executive, and to the relevant line manager where impropriety is alleged or suspected.

10. The proposed changes also include a section on the purpose and scope of the revised code.
11. In revising the Code of Conduct for Employees, it also seemed sensible to include (as a set of principles) the provisions outlined by the Government in the draft Model Code issued in 2004 plus the important principle of all staff supporting the Council's duty to safeguard children, young people and vulnerable adults.
12. A copy of the proposed new code is attached at **Appendix A**.

Schools

13. Employees in the Council's schools are not currently caught by the Code. It is suggested that the revised Code can be recommended to governing bodies as the basis for a code for staff employed in schools. This will be the choice of each governing body and will also be subject to further consultation with the appropriate trades unions representing staff in schools.

Implementation and Awareness Raising

14. A revised Code of Conduct for Employees will not be effective unless it is coupled with a programme of awareness raising in relation to the content of the new code. This will take the form of inclusion within the Council's induction programme for all new starters, and inclusion within the HR Bulletin for all managers. Training will also be provided through the Council's online training programme CETIS as that is rolled out. The requirements in relation to the new register of interests will be the subject of presentations to senior staff through the Council's management teams. An article in the Council's Flyer will also help to raise awareness.

Outcome of Consultation

15. The report has been considered by the council's Standards Committee, the Corporate Management Team and the trades unions through the Joint Consultative Committee. The final decision to adopt any revised Code of Conduct for Employees sits with the full Council. The Employee Code of Conduct is a document contained within Part 5 of the Council's Constitution.

Legal Implications

16. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

17. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

18. This report does not alter the Council's Policy Framework but the issues contained within this report are required to be considered by Council because they affect the terms and conditions of employees of the Council and amend the Council's Constitution.

Conclusion

19. A review of the Council's Code of Conduct for Employees is overdue. A revised Code has been drafted for consideration by Members.

Recommendation

20. Council are requested to approve the revised Employee Code of Conduct for inclusion within part 5 of the Council's Constitution.

Reasons

21. The recommendation is supported by the following reasons :-
 - (a) To ensure probity in the Council's decision making.
 - (b) To provide appropriate advice and support to the Council's employees.

Paul Wildsmith
Director of Corporate Services

Background Papers

No Background papers were used in the preparation of this report.

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