

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 9 January 2023
<b>Report Subject</b>	Rolling Review of the Employees' Code of Conduct
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

The Committee reviews all codes and protocols within the constitution once during each Council term to ensure that they remain pertinent and up to date. The Employees' Code of Conduct was last reviewed in 2019.

The code itself is mandatory and is prescribed in legislation. The Council has added explanatory text to expand and clarify the requirements under the code.

As the code's title states officers are employees of the Council. They are therefore in a contractual employment relationship with the Council. Unlike the Councillors' Code, compliance with the Employees' Code is maintained through the employment relationship by managers. Senior Officers and managers have been consulted on the efficacy of the code. They have suggested updating the code to deal more cogently with issues such as expected behaviours towards colleagues, public statements relating to the Council (including on social media) and use of IT.

### RECOMMENDATIONS

1	That the proposed changes to the Employees' Code of Conduct are recommended to Council for approval.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE ROLLING REVIEW OF THE OFFICERS CODE OF CONDUCT</b>
1.01	Section 82 Local Government Act 200 allows ministers to prescribe a Code of Conduct for employees. The Code of Conduct (Qualifying Local

	Government Employees) (Wales) Order 2001 creates a mandatory Code of Conduct for all qualifying employees in local government.
1.02	That the Employees Code of Conduct is incorporated into every employee's contract of employment. Compliance with the code is maintained through operating procedures, training, and management oversight. Unlike the Councillors' code, enforcement is also managed through the employment relationship and breach can lead to disciplinary action and ultimately even dismissal.
1.03	Senior managers have been consulted to understand whether the code clearly sets out all appropriate expectations for behaviour in relation to employment with the council. There are areas which need further expansion are: <ol style="list-style-type: none"> <li>1) The code describes expected behaviours to certain groups of people e.g. Councillors and public, but not fellow employees;</li> <li>2) Employees who wish to stand for election;</li> <li>3) Statement made publicly by employees that relate to the Council whether in broadcasts, publications or on social media;</li> <li>4) Use of IT;</li> <li>5) Dress code.</li> </ol>
1.04	The code sets out understandable expectations of behaviour towards Councillors and people outside the organisation. It says nothing about expectation between colleagues. It is possible to be over prescriptive on such issues and so a short statement has been included to cover minimum expectations of behaviours in work.
1.05	The Local Government and Elections Act 2021 allowed employees to stand for election in the Council where they are employed. If successful the employee must resign but is not required to give their contractual period of notice. The previous provisions within the code on political activity have been updated to reflect this change.
1.06	Public statements by employees can have a powerful effect on the reputation of the Council for both good and ill, whether made in their professional roles or in their private lives. Excessive or unfounded criticism of the Council can also undermine the employer/employee relationship. A short section on public statements relating to the Council has been included. This can include social media, and as the Council already has an approved/adopted social media policy, this has been specifically referenced.
1.07	Neither the use of IT nor dress code has previously been addressed under the code. Short paragraphs have therefore been included.
1.08	A number of references to outdated job titles have also been updated.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The resources for ensuring compliance with the Employees' Code are the management structure of the Council. No changes to the resources required arise as a result of the changes proposed to the Code of Conduct.
<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Senior managers have been consulted. If approved the proposed changes will be shared with the unions and the Constitution and Democratic Services Committee prior to being reported to Full Council.
<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Ultimately, failure to follow the code could result in an employee being dismissed and potentially the Council's actions being challenged in an Employment Tribunal. The proposed changes to the Code of Conduct need to strike a careful balance between the legitimate interests of the Council and the rights of the employee.
<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Employees' Code of Conduct in tracked changes Appendix 2 – Employees' Code of Conduct clean copy
<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<a href="#">Social media policy</a>  <b>Contact Officer:</b> Gareth Owens, Chief Officer (Governance) <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a>
<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Qualifying Local Government employees</b> – all employees in local government are “qualifying employees” apart from firefighters and teachers.