

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Monday 22 nd July 2024
Report Subject	Rolling Review of the Employees Code of Conduct
Cabinet Member	Cabinet Member for Corporate Services
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Standards Committee reviews all codes and protocols on a rolling basis to ensure that they are up to date and remain pertinent. The Committee has reviewed the Employees Code of Conduct and suggests changes.

The Employees Code of Conduct consists of statutorily mandated text, which cannot be changed, plus additional provisions and explanation. The Committee has recommended changes including:

- 1) Updating the code now that some employees are permitted to stand for political office;
- 2) Provisions regulating employees making public criticism of the Council;
- 3) Behaviour towards colleagues; and
- 4) Dress code.

The Constitution and Democratic Services Committee accepted those changes and also recommended that the code includes more detail on where employees have a familial or emotional relationship with other employees or councillors.

RECOMMENDATIONS

1	That the Council adopts the changes being recommended .
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REPORT DETAILS

1.00	EXPLAINING THE PROPOSED CHANGES TO THE CODE OF CONDUCT
1.01	<p>The Standards Committee carries out a rolling review of codes and protocols within the Constitution to ensure that they remain up to date and pertinent. It has recently reviewed the Employees Code of Conduct and recommends changes. These changes are shown in Appendix 1 as tracked changes and in Appendix 2 as a “clean version”.</p>
1.02	<p>The Employees Code of Conduct includes text in bold italic that is mandated by statute and statutory instrument. The Council cannot change those parts of the code. The remaining text, in normal font, is additional and may be revised or supplemented.</p>
1.03	<p>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 a breach can lead to disciplinary action and ultimately even dismissal.</p>
1.04	<p>Senior managers were consulted to understand whether the code clearly sets out all appropriate expectations for behaviour in relation to employment with the council. They identified the following areas which needed further expansion:</p> <ol style="list-style-type: none">1) The code describes expected behaviours to certain groups of people e.g. Councillors and public, but not fellow employees;2) Employees who wish to stand for election;3) Statement made publicly by employees that relate to the Council whether in broadcasts, publications or on social media;4) Use of IT;5) Dress code.
1.05	<p>The code sets out understandable expectations of behaviour towards councillors and people outside the organisation. It says nothing about expectations between colleagues. It is possible to be over prescriptive on such issues and so a short statement was included to cover minimum expectations of behaviours in work.</p>
1.06	<p>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 were updated to reflect this change.</p>
1.07	<p>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</p>

	<p>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.</p> <p>This was an area which the Standards Committee scrutinised in great detail, being concerned to protect freedom of speech. It considered different options from other councils before synthesising the proposed changes.</p>
1.08	Neither the use of IT nor dress code has previously been addressed under the code. Short paragraphs were therefore included.
1.09	<ol style="list-style-type: none"> 1) When the Constitution and Democratic Services Committee reviewed the proposed amendments it endorsed them and, in addition, recommended the following: Limitation of the obligation to be familiar with contract procedure rules to only those employees who let contracts (the code previously said all employees); 2) More focussed targeting on the prohibition of relationships with councillors so as to expressly exclude any restriction on relationships outside of work which do not impinge on work; and 3) Inclusion of relationships with other employees in the examples of how an employee's private life might conflict with their responsibilities in work
1.10	A number of references to outdated job titles have also been updated.

2.00	RESOURCE IMPLICATIONS
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.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Senior managers have been consulted. The Standards Committee has been consulted and incorporated its changes into the proposed draft.
3.02	The unions have been consulted via the Flintshire Joint Trades Union Committee (FJTUC). The unions accepted the changes and asked for there to be equality of provision within the councillors' code so that employees and officers adhere to the same standards. There are, of course, different considerations between the role of councillor and employee. These are reflected in, for example, the different enforcement mechanisms. The different role of councillors also gives them greater leeway to raise concerns about the council, though it is to be hoped that internal methods of escalation would be preferred over, for example, public criticism, whether on social media or elsewhere.

4.00	RISK MANAGEMENT
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. However, by setting standards for appropriate behaviour the code can itself be seen as a form of "risk mitigation".

5.00	APPENDICES
5.01	Appendix 1 – Employees' Code of Conduct in tracked changes Appendix 2 – Employees' Code of Conduct clean copy

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Social media policy Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Qualifying Local Government employees – all employees in local government are "qualifying employees" apart from firefighters and teachers.