

 <b>Council 23 January 2019</b>		<b>Agenda Item No. 11</b>
<b>Title</b>	Employee Code of Conduct	
<b>For further information about this report please contact</b>	Graham Leach Democratic Services Manager & Deputy Monitoring Officer 01926 456114 <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	15/1/2019	Chris Elliott/Andrew Jones/Bill Hunt
Chief Executive	15/1/2019	Chris Elliott
Section 151 Officer	15/1/2019	Mike Snow
Monitoring Officer	15/1/2019	Andy Jones
Finance	15/1/2019	Richard Barr
Portfolio Holder(s)		
Consultation & Community Engagement		
Recognised Trades Unions People Strategy Steering Group Senior Management Team Employment Committee		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## 1. **SUMMARY**

- 1.1 This report presents a revised Employee Code of Conduct for Council to approve as it forms part of the Constitution.

## 2. **RECOMMENDATION**

- 2.1 That Council approves the revised Employee Code of Conduct as set out at Appendix 2 to the report, subject to the inclusion of a privacy statement in line with the requirements of the General Data Protection Regulation and Data Protection Act.
- 2.2 That Council delegates authority to the Monitoring Officer to amend the Employee Code of Conduct forms to include an appropriate privacy statement in line with the requirements of the General Data Protection Regulation and Data Protection Act.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 After two years of operation there has been a light touch review of the Warwick District Council Employee Code of Conduct. The majority of the changes are proposed to provide greater clarity for all users of the Code. The revised code (Appendix 2) and the appendix listing the significant changes (Appendix 1) are attached. The only significant change is that the requirement for all staff to complete the disclosure form will be required from when the Code is adopted and for officers to make amendments to this disclosure within 28 days of the change in circumstance occurring. Unions and all Staff have been consulted and the responses to this will be presented as an addendum to the Committee at its meeting.
- 3.2 The revised Employee Code was considered by Employment Committee in December 2018 and the Committee supported the revised Code subject to:
- 1.6 – The Democratic Services Manager be asked to confirm the legal advice that if this did not form part of the Contract of Employment, officers could still be required to follow the rules and action could still be enforced and to feedback the response from Legal ahead of Council;
  - 1.7 – to remove the words “repeated or intentional”;
  - 1.8 – amend the wording in the last sentence to read “Copies of any documents referred to in this Code are available via the intranet or from your manager on request”;
  - 4.7.5 – replace Head of Internal Audit with “Audit & Risk Manager”; and
  - 4.8.3 (d) – amend the wording to read “.....within the agreed timescales as set out in the Member/Officer Protocol”.
- 3.3 The legal advice regarding the inclusion of the Code within the contract of Employment has been confirmed by Warwickshire Legal Service as follows:

*“The problem with making the Code contractual is that you will have to consult every time you want to change anything in the Code which will take time every time and effort, which may be considered unnecessary.*

*Just because it is not contractual does not mean you cannot take disciplinary action against an individual. If someone has breached the policy, depending on the specific circumstances, I would be advising to proceed down the formal disciplinary route.*

*I am sure that WDC have a number of policies that are not contractual. However, this does not prevent disciplinary action being pursued if an individual does not follow the (non-contractual) policy, if in the circumstances it is justified."*

Based on this, officers remain of the view that is correct not to include the Employee Code of Conduct within the contract of Employment is the preferred option.

- 3.4 Since the Code was considered, the amendments outlined at 3.2 have been made to the Code and an additional paragraph 5.4 has been included, to explain how complaints relating to the Code should be made following a question from a member of the public.
- 3.5 In respect of recommendation 2.2, the HR Team are currently revising their overall Privacy Statement and short statements to be included on appropriate forms. These are due to be updated by the end of January 2019 and it was considered best not to delay the Code coming forward for this reason.

#### 4. **POLICY FRAMEWORK**

##### 4.1 **Policy Framework**

###### Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. The actions from the People Strategy are one of those key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
<b>Impacts of Proposal</b>		
This links to our customers and the recognition on the expected behavior and conduct of officers	None	None

<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
The revised Code sets the expected behavior and conduct of officers		

4.2 Supporting Strategies – There are no directly related supporting strategies.

## 5. **BUDGETARY FRAMEWORK**

5.1 This report has no impacts on either the budgetary framework or budget

## 6. **ALTERNATIVE OPTION(S) CONSIDERED**

6.1 None considered

## 7. **RISKS**

7.1 There are no significant risks related to the report but there is an over-riding importance in ensuring that the Council has a robust Employee Code of Conduct in place.