

Meeting date: 24 November 2022

Report to: Governance Committee

Report title: Code of Employee Conduct policy

Report from: Director of Resources and Deputy Chief Executive

Report author/lead contact officer: Helen Flinter – Policy Development & HR Business Manager

Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege
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Public/private report: Public

Exempt by virtue of paragraph: N/A

1. Executive Summary

- 1.1 The purpose of the report is to inform Governance Committee of the proposed changes to the existing Code of Employee Conduct Policy.
- 1.2 The Code of Conduct is a key HR policy that outlines the Council's expectations and responsibilities of how employees, and other individuals who work for the Council, should conduct themselves to maintain good working relationships with colleagues, customers, suppliers and service users.
- 1.3 The Code was last reviewed in 2020, this review has updated the content to reflect the Council's approach to Smarter Ways of Working, learning and recommendations as a result of case management, and feedback from key stakeholders as part of the consultation process. The proposed changes cover various areas and are set out in Matters for Consideration, Section 3.3 below.
- 1.4 The proposed changes seek to strengthen the Code, provide clarity on practice and standards required of employees and other individuals that carry out work for the Council, and ensure consistency and compliance across the HR Policy suite.

2. Decision(s) Recommended

2.1 To approve the attached Code of Employee Conduct policy.

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3. Matters for Consideration

- 3.1 The scope of the Code covers a wide range of areas as such the review included consultation with several key stakeholders from across the Council to ensure all aspects where considered.
- 3.2 The proposed changes set out in 3.3 below are in response to learning from employee relations case management that identified areas where areas should be strengthened, recommendations from Audit following internal investigations undertaken and more general updates required to align terminology and hybrid working practices.
- 3.3 The key changes are identified below:
- There are legal obligations that govern privacy and security whilst processing personal information relating to any living individual. The wording in section 4 has been strengthened with regards to accessing confidential and personal information / systems about others, and that employees must only access such information where there is a clear business reason to do so.
 - The issue of covertly recording meetings has been added to various HR policies for a consistent message. Clarification is added in section 5.2 that audio or visual recording of a meeting is only permissible with the consent of all those present. This aligns with wording set out in other policies (e.g. Sickness Absence Management, Disciplinary, Capability etc) and explains of consequences of covert recording.
 - The importance of referring all dealings with the media and related queries to the communications team is added in section 5.3 to ensure factual accuracy and consistency of Council messaging.
 - Additional information is included in section 6 that relate to employees in the safeguarding of service users: These clarifications cover:
 - Details of what to do if there is a 'low level' safeguarding concern against an employee, which does not meet the threshold of the Managing Allegations policy. A 'low level' concern does not mean that it is insignificant. The additional wording at 6.7 sets out the process that should be followed. This adheres with the Keeping Children Safe in Education guidance and aligns to the Managing Allegations policy.
 - Examples of personal issues that an employee in a position of trust should disclose to their line manager should these situations occur and are relevant to their role. For example, if their child has been the subject of child protection enquiries by children's social care, they have a child protection plan in place, they have been arrested, cautioned or convicted in relation to offences of violence etc. This aligns with the Council's Safeguarding policy to ensure a manager is notified of any potential concerns about the employee's continued suitability to work with children or adults at risk.

- As part of the development of the Council's Hybrid Working Guidelines, a review of the formal dress code was undertaken to reflect work attire should be appropriate to the type of meeting and workplace attended. The standards of appearance at section 9 now aligns to reflect the removal of the formal dress code and refers to the Hybrid Working guidelines and the Uniform policy. The Council recognises and embraces diversity of all its employees and the Code sets out its' sensitive approach to dress standards where this affects uniform requirements or expectations of dress.
- Clarifications are set out in section 17 that public funds should not be used to purchase alcohol at any Council or Civic events or meetings without the express approval from either the Chief Executive, Director of Resources and Deputy Chief Executive or a Director. The Code also adds expectations on how employees should conduct themselves at external events when representing the Council. This wording aligns with the Drugs, Alcohol & Substance Misuse policy that is currently being reviewed and the recently approved Travel, Subsistence & Personal Expenses policy.
- Wording has been strengthened in section 21, to explain that where an employee's second job may be considered a potential conflict of interest and/or where the hours of both roles would equate to an average of 48 hours a week or more this should be disclosed and approved by their line manager and a declaration form completed. A reminder of the Council's policy to take a 30-minute lunch break if working over 6 hours in a day has been added, along with links to about the Working Time Directive to provide information for line managers to consider when notified of a second job.
- Section 25, that relates to conduct outside of work, reinforces the expectations that employees should follow the same rules and requirements that apply to members of the public, for example, not being dishonest in their dealings with the Council or knowingly claiming any benefits that they are not entitled. The consequences of any such any breaches are also set out.
- Throughout the Code, language has been updated from 'vulnerable' adults to adults 'at risk' to reflect changes in safeguarding terminology.

4 What options have been considered and what is the evidence telling us about them?

- 4.1 As part of the review feedback from Audit Services highlighted that further clarification was needed to remove ambiguity around the rules relating to expense claims for alcohol at events. The recommendation in the report was to make it clear that Public Funds should not be used to purchase alcohol for Council or Civic events without express and clear levels of approval. The level of approval agreed is now set out as the Chief Executive or Deputy Chief Executive or Corporate Director. This is now consistent with wording adopted in other related policies.
- 4.2 It was also recommended that the Code explicitly states the process for reporting low-level safeguarding concerns that did not meet the threshold under the Managing

Allegations policy as this was not set out in the current code. This is now mirrors the wording in the Managing Allegations policy and is in line with the guidance with Keeping Children Safe in Education.

- 4.3 Employee relations case management debriefs provide an opportunity to consider where policies, practice or communication can be improved. This is core to the policy review process and improvements identified have been incorporated as part of the ongoing development of this Code.

5 Reasons for recommending preferred option

- 5.1 Ensures compliance with Audit recommendations and compliance and alignment with the safeguarding guidance.
- 5.2 Ensures that public funds are protected against unnecessary expenditure and protects the reputation of the Council.
- 5.3 Provides clarifications and, where appropriate, additional information so that everyone who undertakes, or carries out, work for and on behalf of the Council understands their responsibilities and acts in accordance with the Code of Employee Conduct.
- 5.4 A review of the Code was discussed and agreed with the trade unions and they are agreeable to the changes proposed.

6 Implications and Considerations

- 6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> 1. Improving outcomes for children and young people in Solihull. 2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it. 3. Take action to improve life chances and health outcomes in our most disadvantaged communities. 4. Enable communities to thrive. 	<p>More focus on safeguarding by adding procedure for reporting low-level concerns about colleagues including examples. This helps to minimise any risk of abuse and enable us to identify and address concerning behaviour early on.</p>
<p>Economy:</p> <ol style="list-style-type: none"> 5. Develop and promote the borough’s economy, with a focus on revitalising our town and local centres. 6. Maximising the opportunities of UK Central and HS2. 7. Increase the supply of affordable and social housing that is environmentally sustainable. 	<p>n/a</p>

Priority:	Contribution:
Environment: 8. Enhance our natural environment, improve air quality and reduce net carbon emissions.	n/a
9. Promote employee wellbeing	<p>The Code sets out the expectations and provides a clear framework from which employees and other individuals should be aware of how to behave so that good working relationships are maintained in a safe working environment.</p> <p>More information added on second jobs and considerations of the total hours worked between the different jobs, to help protect the employee's wellbeing (and compliance with the Working Time Directive).</p>

6.2 Consultation and Scrutiny:

6.2.1 Consultation has taken place across the Directorates and with Trade Unions and Assistant Directors group. Key stakeholders from HR, Audit, Finance, Equalities, Health & Safety, Democratic Services and the LADO have been consulted on the proposed changes.

6.3 Financial implications:

6.3.1 The policy assists the Council in ensuring alcohol expenditure at events is kept to a minimum and appropriately authorised and managed in terms of probity and scrutiny.

6.4 Legal implications:

6.4.1 The policy is legally compliant.

6.5 Risk implications, including Risk Appetite:

6.5.1 There are no risks associated with the proposed changes.

6.6 Equality implications:

6.6.1 The changes have no negative impact on any group of people covered under the Equality Act 2010

6.6.2 The policy also embraces the Council's Equal Opportunities Policy that all employees are required to adhere, and where any form of behaviour that discriminates against individuals or groups of people will not be tolerated.

6.7 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):

6.7.1 N/A

7 List of appendices referred to

7.1 N/A

8 Background papers used to compile this report

8.1 N/A

9 List of Other Relevant Documents

9.1 N/A