

Slough Borough Council

Report To:	Employment Committee
Date:	16 April 2024
Subject:	Draft Code of Conduct for Officers
Chief Officer:	Stephen Brown – Chief Executive
Contact Officer:	Sarah Wilson – Assistant Director Legal and Governance
Ward(s):	None
Exempt:	No
Appendices:	Appendix 1 – Draft Code of Conduct for Officers

1. Summary and Recommendations

- 1.1 This report sets out the proposed changes to the current Local Code of Conduct for Employees, following consultation with various stakeholder groups. Following review by this committee, it is proposed that it will be reviewed by the Member Panel on the Constitution, alongside other changes to the Constitution and recommended for approval by Full Council in May 2024.

Recommendations:

The Employment Committee is recommended to:

- Review and comment on the draft Code of Conduct for Officers
- Agree to receive an annual report reviewing the effectiveness of the revised Code, if adopted, to maintain standards of behaviour and integrity at officer level.

Reason: The current Code has not been reviewed since 2017. It is good practice to regularly review the constitutional rules to ensure they comply with best practice and fit with Council policies and procedures. The changes relate to widening the Code to apply to all officers regardless of employment status, adding in rules on use of social media and standards of behaviour and dress and other minor changes in emphasis.

Commissioner Review

Commissioners have reviewed this report and have no specific comments to add.

2. Report

Introductory paragraph

- 2.1 The Employment Committee is responsible for the Council's functions in relation to its role as an employer. This includes review of major HR policies. The Local Code of Conduct for Employees is part of the Council's constitution and therefore approval is reserved to Full Council, however the Employment Committee has an important role to play in reviewing it to ensure it fits with approved HR policies and procedures and wider HR improvement priorities.

Options considered.

2.2 The following options were considered in the revision of the existing Code:

Option 1: Do nothing – do not amend the Code. This option is not recommended. The changes reflect best practice and have been subject to consultation with staff.

Option 2: Amend the existing Code to a Code of Conduct for Officers in line with the draft and recommend this for consideration by the Member Panel on the Constitution, for recommendation to Full Council.

Background Information

2.3 The draft Code of Conduct for Officers will apply to all directly employed staff, but also to any other officer, which will include agency workers, interim staff and staff seconded or with delegated authority to exercise Council functions where these meet the definition of an officer. The draft Code sets out the minimum expected standards of behaviour in order to protect the integrity of officers and the Council as a whole.

2.4 The draft Code is intended to be the officer equivalent of the Code of Conduct for Members and taken together with other codes and protocols, form an ethical framework for the Council's officers and members in order to maintain confidence in the delivery of public services.

Consultation

2.5 The draft Code has been subject to consultation with trade unions, staff networks and staff in general. Feedback from the consultation was as follows:

- Request to change use of word “selflessness”, instead preferring “altruistic” or “community focused”. Concern that selflessness has implications of working against own self interest, beyond limits, ignoring impact on own personal time and health and work being more than a job in an unhealthy way.

Council's Response

The term “selflessness” stems from the Seven Principles of Public Life, which all public servants are expected to comply with. This requires officers to work solely in the public interest. This may involve officers working against their self interest, if such interest conflicts with their self interest. It is not intended to imply that officers should work beyond their own limits or in a way that is detrimental to their health, as this would not be in the public interest.

- Request that the Code of Conduct for Members is looked at at the same time and that there are concerns about how members behave with officers.

Council's Response

The Code of Conduct for Members was updated in 2021 and reflects the LGA Model Code. The Member Officer Relations Protocol was updated in January 2024. The Standards Committee received a report on member behaviour and complaints at its meeting in April 2024.

- Need to ensure that officers are protected from being subjected to bad behaviour by senior management.

Council's Response

The Code of Conduct for Officers applies to all officers, including interim and temporary workers and it is agreed that senior officers should model good behaviour. Staff were consulted on a CLT Charter and the Council has plans in place to provide management and leadership development programmes. The Council has a grievance policy and procedure which can be utilised if staff are unable to resolve issues informally.

- Need to share constitution to ensure officers comply with this document.

Council's Response

The Constitution is available on the Council's website. Governance is part of the Council's induction programme and there is a governance learning programme for managers to understand the characteristics of good governance.

- Concern that officers are unable to comply with Financial Procedure Rules and other relevant procedures if there are no governance or teams available to assist officers with budgets or sufficient finance officers.

Council's Response

All officers are expected to understand the Financial Procedure Rules, which were redrafted in 2022 to make them easier to understand for non-finance officers. Budget holders are expected to have knowledge and skills to manage budgets and if further training or development is required this should be raised with line managers as part of appraisal processes. There are governance and finance officers to assist officers with understanding the constitutional rules.

- Policies need updating – no reference made to which policies need updating.

Council's Response

The constitution and HR policies and procedures are regularly reviewed and updated. Officers can raise concerns about out of date policies with HR or the Monitoring Officer as appropriate.

- There is no pastoral care for officers

Council's Response

The Council has an employee support programme and managers should provide support to officers to enable them to fulfil their roles. A new management and leadership development programme is being rolled out to assist managers.

- Support for ensuring that other new policies go through the same process of consultation.

Council's Response

The Council accepts it is important to consult staff on relevant matters. The Council will review its systems and processes in place for staff engagement and this will be a focus of the new Director of HR.

- 2.6 If adopted, the revised Code will be communicated to all staff, made available on the intranet and form part of the induction for new starters. It will be widely promoted and considered as part of the HR improvement plan, including forming part of the management development programme.
- 2.7 In order to ensure the revised Code is effective in maintaining standards of behaviour and integrity, it is recommended that this Committee receives an annual report reviewing its effectiveness.

Summary of Changes

- 2.8 The summary of changes in the draft Code compared to the current Code are as follows:

- Clarification that the Code applies to all who are employed directly or work for the Council with the exception of staff employed in schools.
- Confirmation that all officers are expected to promote high standards in public life, respect colleagues, elected members and the public, act in a professional manner and in compliance with the Equality Act 2010 and deliver the best possible and efficient services in accordance with the Council's values and priorities. Examples are given of this, including an obligation to report any concerns or breaches of the Code or other Council policies by others.
- Amendment to rules on political neutrality to reflect the law, including rules on politically restricted posts and confirmation that no officer can stand for office as an elected member of the Council.
- Amendment to rules on working with others, including clarification of rules on personal relationships with local community and service users and work colleagues, a new section on relationship with managers, additional guidance on relationship with contractors, suppliers of partners in service provision and on dealing with the media.
- A new section on use of social media, including examples of inappropriate use of private social media accounts.
- Explicit reference to not gaining a financial benefit from a Council role over and above proper remuneration and the fact it is a criminal offence under s.117 of the Local Government Act 1972 to accept any fee or reward other than proper remuneration.
- Removal of two categories of staff for purpose of declaring interests, instead applying the same rules to all staff and making it the responsibility of directors to maintain departmental registers of declarations.
- Addition of paragraph on acceptance of free places on conferences and courses, particularly when these involve businesses or bodies who may be interested in providing services to local authorities.

- Additional paragraphs and examples in relation to duty to prevent accidents and injuries at work.
- New section on standards of behaviour and appearance, including reference to not wearing clothing, badges or other items with political or offensive messages, wearing issued uniforms or protective clothing and only making alterations to such clothing after obtaining agreement from a manager.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 There are no direct financial implications related to this report. However, failure to ensure an effective system of maintaining standards and behaviour at officer level can lead to additional costs in the delivery of services and risks of employment tribunal claims.

3.2 Legal implications

3.2.1 Whilst the Localism Act 2011 requires local authorities to adopt a code of conduct for its members and sets out the standards regime which applies to breaches of this code, there is no legislative equivalent for maintaining standards at officer level. This is partly due to the employment relationship between an individual council and its employees and the fact that employment relations law would apply to this relationship.

3.2.2 In practice virtually all, if not all, local authorities maintain a code of conduct for their employees or officers governing the standards and behaviour and enforcement of this will be incorporated into employment contracts or other contracting arrangements depending on the employment status of the individual officer.

3.3 Risk management implications

3.3.1 The draft Code helps officers understand the standards of behaviour expected of them and gives them a framework to raise concerns about the behaviour of others. This mitigates the risk of the Council not ensuring compliance with the requirements of public servants as set out in the Seven Principles of Public Life.

3.4 Environmental implications

3.4.1 There are no environmental implications related to this report.

3.5 Equality implications

3.5.1 Explicit reference is made to the need to comply with the Equality Act 2010 and reference is also made to diversity and equality matters within the draft Code. This includes reference to different standards of dress depending on gender, religion or cultural background and right for officers to request adjustments to protected clothing.

3.5.2 The draft Code seeks to strike a balance between an individual's right to freedom of expression and the Council's right to set standards of behaviour and to protect its reputation.

3.5.3 Staff networks representing particular groups of staff were consulted on the draft Code.

3.6 *Workforce implications*

- 3.7.1 The draft Code sets out standards which could be cited as part of a grievance or disciplinary process and breach of the Code could give rise to termination of employment or assignment. Staff have been consulted on the draft Code, as have trade unions and staff networks.

Background papers

None.