

**Report to: Joint Consultative and Safety Committee, 29 November 2023**

**Report of: Corporate Director – Planning and Governance**

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**Subject: REVIEW OF EMPLOYEES' CODE OF CONDUCT**

## **Recommendation**

**1.1 That the Joint Consultative and Safety Committee endorses the amended Employees' Code of Conduct attached at Appendix 1 and recommends its adoption to the Council as part of the Constitution.**

### **1. Background**

- 1.1 The Employees' Code of Conduct forms part of the Council's Constitution (Part 14). This is a common approach taken by local authorities to ensure that a set of core behavioural standards are enshrined not only into employees' contracts of employment but also are visible to the Council's customers and the general public.
- 1.2 This Code was last reviewed in 2017. As with all of the Council's employment policies, this should be reviewed periodically to ensure that it remains fit for practice, keeps up with current issues and that any minor issues of interpretation or enforceability get addressed.
- 1.3 There is no nationally mandated template for a local government employee code of conduct, although a model draft was produced some years ago and on which the Council's current version is loosely based. A previous Government consulted on putting an employee code of conduct on a statutory footing in local government, but this did not get implemented and therefore it remains a matter for local discretion.
- 1.4 The Employees' Code of Conduct underpins a number of more specific policies which apply to employees; the purpose of the Code is to set out high-level guiding principles to secure standards of good behaviour applicable to all Council officers, as public servants.

### **2. Preferred Option**

- 2.1 The preferred option is to approve the amendments to the Employees' Code of Conduct set out in Appendix 1.
- 2.2 The amendments are not considered to be material or adverse in nature nor to alter the balance of responsibilities as between the Council and employees. However the amendments are considered a necessary step to ensure the Code remains effective.
- 2.3 The amendments have been drafted based on experience of dealing with conduct issues in the workplace and the management of key risks in the Council around compliance and governance.

2.4 A review of other local authority Codes was undertaken which identified common themes which are covered in most Codes and where there were some gaps in this Council's version. For example, reference has been made to Codes readily available on the websites of Worcestershire County Council, Gloucestershire County Council, Herefordshire Council, Warwick District Council and Oxford City Council.

2.5 The changes can be summarised as:

- Introduction to the 7 principles of public life (often known as the "Nolan Committee" principles) as underpinning standards of conduct and probity;
- Reference to customer care standards, personal appearance, the wearing of ID badges;
- Expanded section on the use and protection of Council information;
- Improved clarity on what political neutrality means and also explicit reference to the Officer-Member Protocol as a further source of information on working with councillors;
- Improved clarity on section on accountability;
- Improved clarity on managing and declaring different types of potential conflicts of interest;
- Explicit reference to the universal responsibility on all employees to comply with health and safety policies and arrangements;
- Updated section on procurement and working with contractors;
- Explicit section on working within corporate communications guidelines;
- Reduction in the financial threshold for registering gifts and hospitality, from £25 down to £15, to align with the Council's recently revised Members' Code of Conduct;
- Explicit obligations to proactively declare criminal proceedings so that these can be (lawfully) risk assessed against employee's actual role;
- Reference to raising concerns through the Whistleblowing Policy (which was also recently revised).

### **3. Alternative Options Considered**

3.1 The alternative option, to leave the Code as is, or only approve certain amendments is not recommended for the reasons set out above.

### **4. Implications**

#### **4.1 Financial and Budgetary Implications**

None identified.

#### **4.2 Legal and Governance Implications**

A fair, reasonable and enforceable set of policies is an essential foundation of the employer's legal relationship with its employees. The proposed amendments ensure the Code keeps in line with legal requirements and remains workable for the Council as well as employees.

#### **4.3 Risk Implications**

The risk of not reviewing and updating the Code periodically is that it becomes difficult to enforce when a query over its interpretation is raised, or it does not

provide a basic level of coverage on current probity issues and governance risks that occur in local government.

#### 4.4 Corporate/Policy Implications

The Code forms part of the Council's suite of HR policies. If the amendments are adopted, the revised version will be communicated to employees via email and intranet communications.

The Code links to other relevant HR policies including Disciplinary, Grievance and Whistleblowing, as well as the Council's Constitution, including Part 13, the Protocol for Officer-Member Relations.

#### 4.5 Equality Implications

No specific implications identified by these amendments.

#### 4.6 Human Resources Implications

As set out in the main body of the report.

#### 4.7 Health and Safety Implications

None identified. The universal employee obligations on Health and Safety compliance have been picked up in these amendments.

#### 4.8 Social, Environmental and Economic Implications

None identified.

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**Background Papers:** None

Appendix 1: Employees' Code of Conduct-track change version

Appendix 2: Employees' Code of Conduct-clean copy version

# Worcester City Council

## EMPLOYEES' CODE OF CONDUCT

Title	Code of Conduct
Status	DRAFT
Document Version	
Author	Sian Stroud
Sponsor	David Blake
Owner	HR
Approved by	
Approved date	
Review frequency	
Next Review:	

Version History		
Version	Date	Description
1.0	October 2017	Adopted in the Constitution
1.1	Draft for JCSC	
1.2		

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## **INTRODUCTION**

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist the City Council and its employees in their day-to-day work.

The Code applies to all employees of Worcester City Council. Employees must ensure that they are aware of its contents.

## **1. STANDARDS**

- 1.1 Local government employees are expected to display the highest possible standard of service, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.
- 1.2 The standards of conduct expected of each employee are:
  - 1.2.1 Selflessness – Acting solely in terms of public interest.
  - 1.2.2 Integrity – Employees must avoid placing themselves under any obligation to people or organisations that may try to inappropriately influence them or their work.
  - 1.2.3 Objectivity – Employees must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
  - 1.2.4 Accountability – Employees are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
  - 1.2.5 Openness – Employees should act and take decisions in an open and transparent manner. Information should not be withheld from the public without clear and lawful reasons for doing so.
  - 1.2.6 Honesty – Employees should be truthful.
  - 1.2.7 Leadership – These principles should be upheld in employees’ own behaviour and others should be treated with respect, actively promoting the principles and challenging poor behaviour where it occurs.
- 1.3 Employees shape the customer’s view of the Council during every interaction, whether in-person or virtually. Employees therefore must follow the Customer Service Standards at all times (see Staffroom for more details).
- 1.4 The Council does not impose particular dress standards but staff are expected to present a reasonable appearance and dress appropriately to the circumstances within their working environment, the nature of work they are undertaking and the levels and types of both internal and external contacts encountered in the normal course of their duties. Where uniform or protective clothing is issued it must be worn as required when at work or representing the Council.
- 1.5 The Council expects employees to wear their ID badges to identify themselves to

customers and colleagues and to provide secure access to Council premises.

## **2. USE OF COUNCIL INFORMATION**

- 2.1 It is generally accepted that open government is best. The law requires that some information is, by its nature, available to members, auditors, government departments, service users and the public,. Employees must support the Council's legal obligations around transparency and disclosure of non-confidential information.
- 2.2 Employees must make sure they know whether information is 'public' or confidential and treat it accordingly; employees may sometimes acquire information at work which has not been made public or is confidential. Examples include 'business sensitive' information, personal information about an employee or customer, information on tenders or costs, the proceedings of a meeting from which the press or public have been excluded; even knowledge, processes and systems which have developed during the course of your work and which are the intellectual property of the Council.
- 2.3 Employees must ensure that sensitive and/or confidential information is properly secured and safeguarded at all times especially if being transported in paper or electronic formats. Council policies on information security must be followed at all times; this is a rapidly changing environment and cyber security presents significant risks to the Council's operations and its customers.
- 2.4 Confidential Information which comes into employees' possession must not be used for personal benefit or divulged to other parties except in the proper course of duty. Similarly, employees must not disclose information about organisational policy and operations unless authorised to do so in the course of their duties. If employees have any doubt whether or not disclosure is appropriate, even in response to an apparently legitimate inquiry, they must check with their line manager before releasing confidential information.
- 2.5 Some information can be extremely valuable in business and commerce and its publication, loss or misuse could seriously disadvantage the Council and its employees. Therefore, it is important that employees do not, deliberately or inadvertently, pass on information, including software, during or after their employment with the Council, to anyone who has no right to receive it.
- 2.6 Employees must not discuss, disclose, publicise or use Council information for their own or anyone else's personal interest or advantage. Employees must decline any approaches or offers made asking for information which could be detrimental to, or help others to gain a contract, grant or any other advantage from the Council and/or its employees. Approaches or offers of this kind must be declared to the Monitoring Officer without delay.

## **3. POLITICAL NEUTRALITY**

- 3.1 Employees serve the Council as a whole. It follows they should serve all councillors and not just those of the controlling group, and ensure that the individual rights of all councillors are respected.
- 3.2 The Managing Director and Corporate Directors may, if requested, attend meetings of any political group provided that a similar facility is afforded to all political groups. Other employees should not be required to advise political groups, or be required to attend

meetings of any political group, but may if requested accompany the Managing Director or a Corporate Director attending the meeting.



- 3.3 Employees must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 3.4 An employee's post may be or become 'politically restricted' if it is considered politically sensitive in accordance with statutory provisions eg. officers who regularly advise any member panel or committee or speak publicly on behalf of the Council, for instance to the media. If a job is politically restricted then the employee's personal political activities, eg. becoming an elected member, normally will be restricted unless it can be shown that such restriction would be unreasonable.
- 3.5 All employees must follow the corporate guidance issued on the pre-election publicity period to protect themselves against concerns they are favouring individual political groups in their allocation of Council resources and publicity.

#### **4. ACCOUNTABILITY**

- 4.1 Every employee is responsible for undertaking their role to the best of their ability. On a day to day basis, employees are responsible to the Council through its senior managers, who in turn are accountable to the elected councillors. The Council as a whole is accountable to the customers and communities it serves.
- 4.2 Mutual respect between employees and councillors is essential to good local government. Expectations regarding the different roles that Members and Officers play, and how they should work together, can be found as part of our Constitution, in the Protocol for Member Officer Relations.
- 4.3 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community in accordance with the policies of the Council.

#### **5. APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

- 5.1. If you work in close proximity with service users or other employees to whom you are related or have a close personal relationship, you must maintain a strictly professional relationship at work. If any relationship leads to disruption, unacceptable conduct or performance, action will be taken under the appropriate procedure.
- 5.2. Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.3. Similarly, employees should not be involved in direct line management or decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or other close personal relationship .

## **6. OUTSIDE COMMITMENTS**

- 6.1. No employee may do any private work or engage in other employment which might conflict with the Council's interests. Employees above Grade PTB must obtain formal approval to undertake any outside employment.
- 6.2. You must not undertake private work while on sick leave from your Council employment, without the express knowledge and prior written approval of your line manager and subject to appropriate medical advice.
- 6.3. Council premises, equipment, working time or other resources must not be used to undertake private work.

## **7. PERSONAL INTERESTS**

- 7.1 Employees employed by the Council on JNC Conditions of Employment or in politically restricted posts shall register with the Monitoring Officer details of any financial or non financial interests which they have in accordance with the Guidance Note on Interests produced by the Monitoring Officer.
- 7.2 Where an employee who is not required to register an interest in accordance with paragraph 7.1 finds that a situation has arisen where he or she could have a conflict of interest, they should at that stage register their interests as if 7.1 applied.
- 7.3 The Monitoring Officer shall maintain a register of all the interests declared in accordance with paragraph 7.1 and 7.2. The register shall be available for inspection only by the Managing Director, Finance Services Manager, the Internal Audit Shared Services Manager, members of the Standards Committee and external regulatory bodies such as External Audit, Local Government Ombudsman and Standards for England.
- 7.4 Employees shall ensure that any changes to their details recorded in the Register are notified to the Monitoring Officer within 28 days of their occurring.

## **8. HEALTH AND SAFETY**

- 8.1 Employees are expected to make themselves aware of the Corporate Health and Safety Policy and the Corporate Health and Safety arrangements, policies and procedures in relation to their role.
- 8.2 Employees are expected to complete their mandatory Health and Safety training, to attend their mandatory health surveillance checks if required within their role and report any health and safety incidents using the Internal Reporting System (see Staffroom for more details).

## **9. EQUALITY ISSUES**

- 9.1 All employees should be aware of the Council's policy commitments to Equality, Diversity and Inclusion and ensure that these are complied with in addition to the

requirements of the law. The local community, customers and employees have a right to be treated with fairness and equity.

## **10. CONFLICT OF INTEREST**

- 10.1 Employees are expected to conduct themselves with integrity, impartiality and honesty. Employees should avoid circumstances where private or personal interests have the potential to give rise to allegations or partiality or impropriety which could bring the Council into disrepute.
- 10.2 Employees must promptly disclose any interests to their manager in the first instance and follow any guidance issued by the Monitoring Officer on disclosing and managing potential conflicts of interest.

## **11. WORKING WITH CONTRACTORS**

- 11.1 Employees involved in procurement processes and/or dealing with contractors and suppliers must follow the Council's procurement rules and seek advice from the Monitoring Officer where necessary. A robust legal framework is in place on all procurement and contracting matters, in order to provide transparency and fairness, achieve value for money and support the Council's wider objectives.
- 11.2 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. Any potential conflict of interest must be disclosed as soon as it is identified. Employees must ensure that no preferential treatment is given to current or recent former employees or anyone else with which they may have a close personal connection.
- 11.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

## **12. COMMUNICATIONS AND MEDIA**

- 12.1 The communications team manages the City Council's internal and external channels of communication, including liaising with the media and press releases.
- 12.2 Employees must follow the Brand Guidelines (see Staffroom) when producing documents to ensure consistency in delivering our brand.
- 12.3 It is not acceptable for employees to bring the Council into disrepute by publicly criticising or blaming colleagues, Council departments or City Councillors through any medium including internet 'blogs' or websites. Employees should be aware that laws governing defamation, breach of copyright etc. apply equally to 'blogging' as to other forms of communications. This does not affect an employee's rights to raise legitimate concerns through approved channels for example the Whistleblowing Policy or the Grievance Policy.

## **13. GIFTS AND HOSPITALITY**

- 13.1 All employees shall act in accordance with the guidance on Gifts and Hospitality for employees issued by the Monitoring Officer.
- 13.2 All employees shall, within 28 days of receiving or being offered gifts or hospitality with a value in excess of £15 or which cumulatively within any period of 30 days and from any source exceed £15, register such gifts or hospitality or the offer thereof with the Monitoring Officer.
- 13.3 The Monitoring Officer shall maintain a register of employees' gifts and hospitality which shall be available for inspection only by the Managing Director, s151 Officer, Internal Audit Shared Services Manager, members of the Standards Committee and external regulatory bodies such as External Audit, Local Government Ombudsman and the Standards for England.

#### **14. USE OF FINANCIAL RESOURCES**

- 14.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

#### **15. SPONSORSHIP - GIVING AND RECEIVING**

- 15.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 15.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Monitoring Officer of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

#### **16. ARREST OR CONVICTION CHARGES**

- 16.1 Employees must inform their line manager as soon as possible if they are arrested, cautioned, refused bail required to attend court, convicted or sentenced for any criminal or civil offence. While such proceedings will not necessarily affect their employment, the Council needs to be sure there are no implications for its clients, reputation, service delivery or in relation to the role that the affected employee undertakes.
- 16.2 Employees must also advise their line manager immediately if they have been arrested or appeared in court and released on bail in circumstances where bail conditions have been applied which could have consequences for their work eg. a worker who is constrained from having contact with the types of client they are employed to work with; a driver who is not permitted to visit a particular location which is on their regular route. If there is any doubt about whether they should report bail conditions, especially where safeguarding could be an issue, the affected employee must discuss it with their line manager or HR adviser so that any concerns can be addressed from the outset.

Failure to report such conditions would be considered as serious misconduct and could potentially lead to a breach of bail.

## **17. EXPRESSING CONCERN**

17.1 You should raise any serious concerns to your Line Manager so that it can be addressed without undue delay. If you do raise a genuine concern in good faith, all reasonable steps will be taken to respect your confidence (see Whistleblowing Policy).

## **18. BREACHES OF THE CODE**

Any breach of this Code of Conduct may be dealt with under the Council's Disciplinary Procedure.