

Staffing Committee

Dorset County Council



Date of Meeting	22 November 2016
Officer	Chief Executive
Subject of Report	Review of the Staff Code of Conduct
Executive Summary	<p>A review of the Staff Code of Conduct has been undertaken by Democratic Services in conjunction with Human Resources & Organisational Development (HR&OD). The review follows findings from the ethical governance audit undertaken by the South West Audit Partnership and takes account of the council as a modern organisation, various Information Governance reviews, and feedback from managers at all levels.</p> <p>The aim is to ensure that the code is up to date, includes current key messages and that it is practical and useful for managers and staff.</p> <p>This report also recommends that the Staff Code of Conduct is published on Sharepoint and not within the Constitution (its current location) and that any future significant change to the Code is formally delegated to the Staffing Committee under their existing terms of reference.</p> <p>The Staff Code of Conduct is currently part of the council's Constitution. Any change to the Staff Code of Conduct will require approval of the County Council. The recommendations of the Staffing Committee will be put forward to the County Council via the Audit and Governance Committee, with changes effective immediately following County Council approval.</p>
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>The Staff Code of Conduct is an overarching document referring to a number of other policies which are subject to individual EqlAs and/or legislative requirements. An EqlA screening has been undertaken specifically in relation to the Personal Appearance</p>

Review of the Staff Code of Conduct

	<p>section and this has highlighted the need for associated guidance for managers in this area. The screening record is being considered by the Chief Executive's Diversity Working Group.</p>
	<p>Use of Evidence:</p> <p>The report is based on evidence including feedback from the ethical governance audit, those involved in the information governance reviews and a SNAP survey of all people managers. The Corporate Leadership Team and trade unions have been consulted.</p>
	<p>Budget:</p> <p>There are no financial implications arising from the proposal.</p>
	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk LOW</p>
	<p>Other Implications:</p> <p>None.</p>
Recommendation	<p>It is recommend that the Staffing Committee recommend to the County Council, via the Audit and Governance Committee:</p> <ol style="list-style-type: none"> 1 The proposed revised Staff Code of Conduct (Appendix 1). 2 The publishing of the Staff Code of Conduct on Sharepoint and not within the Constitution. 3 Future delegation of significant changes to the Staff Code of Conduct to the Staffing Committee within its Terms of Reference.
Reason for Recommendation	<p>The Staffing Committee oversee matters relating to staff terms and conditions and people management policies.</p>
Appendices	<p>Appendix 1 – Proposed Staff Code of Conduct</p>
Background Papers	<p>The existing Staff Code of Conduct can be found within the council's Constitution: https://www.dorsetforyou.com/constitution/county</p>
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Review of the Staff Code of Conduct

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Review of the Staff Code of Conduct

1. Introduction

- 1.1. The Staff Code of Conduct sets out the standards expected of all employees. The Code highlights ethical standards where there may be a potential conflict of interest - for example if an employee discloses information, takes on other paid employment, or accepts gifts or hospitality. It sits within the council's Constitution, alongside the Member Code of Conduct.
- 1.2. The current Staff Code of Conduct is based on a non-statutory model code of conduct for local government employers. The proposed revised code continues to contain all the key elements of the model code and also reflects a modern organisation, taking account of the use of social media, for example.
- 1.3. The review of the Staff Code of Conduct is prompted by findings from the ethical governance audit, feedback from managers and colleagues with a particular interest in aspects of the Code, for example the council's Data Protection Officer, colleagues in ICT and those involved in various information governance reviews.

2. The Ethical Governance Audit

- 2.1. The ethical governance audit undertaken by the South West Audit Partnership (SWAP) in 2015, focussed on the extent to which ethical governance has been embedded within the council's culture for both members and staff.
- 2.2. The audit found that:
 - staff don't fully understand their responsibilities and the council's responsibilities to its staff regarding ethical governance and associated policies
 - whilst staff are generally aware of the Code of Conduct, they are less aware of how other key policies, (e.g. the Whistleblowing policy and the Contract Procedure rules) relate
 - there is a lack of clarity and consistency regarding who should be informed of any interests declared and where this information should be held
 - there is a lack of clarity and consistency regarding who should authorise any hospitality offered and where any requests authorised or declined should be held

3. Information Governance Reviews

- 3.1. The NHS Information Governance programme is a framework which is used to set a high standard for the handling of information and provides a set of tools to help organisations achieve that standard. Annual completion of the NHS Information Governance Toolkit is a mandatory requirement for the council given our secure computer link to the NHS and the routine use of the NHS Personal Demographic Service and NHS Summary Care Record. Our submissions include Public Health following their transfer into the Local Authority from the NHS, and allow for data flows between NHS Digital and Public Health.
- 3.2. More generally, the Resilience Group commissioned a 'health check' of the council's information governance arrangements, which identified a number of recommendations for improvement.
- 3.3. Officers leading on these reviews have identified the Staff Code of Conduct as one of the key controls to ensuring that staff are aware of the importance of information governance and security.

4. Feedback from Managers

4.1. People managers were invited to complete a brief survey in October of this year about the type of information they expect to see in the Staff Code of Conduct. Whilst the survey received only 43 responses, there were a number of trends.

4.2. Managers would expect the Staff Code of Conduct to:

- refer to social media
- provide clarity about information security and data protection, particularly in relation to safeguarding
- link to other relevant HR&OD policies
- clarify standards of behaviour
- provide clarity about declarations of interests, gifts and hospitality
- include a dress code

5. Proposed Staff Code of Conduct

5.1. The proposed Staff Code of Conduct is designed to be read in conjunction with the key related policies and procedures that underpin it. It is intended that the Staff Code of Conduct is presented as a Sharepoint page, enabling direct links to all related information.

5.2. Changes to the Staff Code of Conduct will provide a clear and consistent message to staff in relation to the expected standards by:

- (a) Enabling all staff to easily find it;
- (b) Strengthening links to related policies to provide a consistent message - including those which reflect a modern workplace, such as the social networking policy;
- (c) Modernising the format and making it more accessible and more readily understood;
- (d) Enabling managers to use it as a practical tool when managing conduct;
- (e) Providing clarification about what staff are expected to do in certain circumstances, for example how to declare an interest and where to record this declaration; and,
- (f) Bringing the code in line with the scheme of delegations for people management matters.

5.3. The proposed Code of Conduct supports the recommendations of the Ethical Governance Audit and also supports the Information Governance Reviews.

6. Future Changes to the Staff Code of Conduct

6.1. The Staffing Committee is asked to consider a recommendation that the County Council delegate authority for agreeing any future significant changes to the Staff Code of Conduct to the Staffing Committee.

6.2. This approach would:

- recognise that the Staffing Committee is expected to have responsibility for matters relating to terms and conditions and people management policies
- enable the Staffing Committee to respond effectively to any future requirement to consider significant changes

Review of the Staff Code of Conduct

7. Next Steps

- 7.1. The recommendations of the Staffing Committee will be put forward to the County Council via the Audit and Governance Committee. Changes will be effective immediately following County Council approval.
- 7.2. There will be communications to all staff, including via the all staff e-newsletter, the manager e-newsletter and a front page news item on Sharepoint. Managers will be expected to ensure that all staff are aware of the revised Code of Conduct and where to find it.
- 7.3. The possibility of using the modern.gov system for staff to declare interests will be explored. This is the system recently put in place for county councillors to declare interests. This would ensure that all declarations are recorded and accessible.

Sheralyn Huntingford
Head of Human Resources and Organisational Development

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Head of Legal and Democratic Services

November 2016

Staff Code of Conduct

1. Introduction

- 1.1. This Code sets out the standards of conduct expected of all council employees and prevents employees from being in a situation where they may be vulnerable to an accusation of favouritism or bias or other improper motives, whether this is real or perceived.
- 1.2. Employees should be aware that a failure to comply with this Code could result in disciplinary action up to and including dismissal, in accordance with the council's [disciplinary policy and procedure](#) and the [disciplinary rules](#).

2. Core Principles

- 2.1. All employees have a general obligation to maintain the council's reputation and should not do anything to adversely affect this – whether in work or outside of work.
- 2.2. Employees are expected to
 - Give the highest possible standard of service to the people of Dorset and to provide appropriate impartial advice. This applies whether the service is provided in person, over the phone, via email or any other method.
 - Raise any concerns about service provision or practice which affect the integrity of the council, including any fraud, bribery, corruption or other malpractice, as outlined in the council's [Anti Fraud, Bribery & Corruption Strategy](#). Employees can feel confident that in raising those concerns they will be protected from any detrimental treatment, such as victimisation or harassment. Employees must report concerns to their line manager in the first instance. Where appropriate, and where raising the concern is in the public interest, the council's [Whistle-Blowing Policy and Procedure](#) should be followed.
 - Be responsible for their own actions and [behaviour](#) and should seek to avoid any conduct that would lead any reasonable person to question their motivation or intentions
 - Declare any relevant interest, outside employment or receipt of gifts or hospitality as outlined in this Code
 - Use public funds in a responsible and lawful manner.
- 2.3. Managers should ensure that employees are also aware of other policies and procedures relating to conduct, as referred to in this Code and as required. Policies and procedures relating to people management are available on [Sharepoint](#).

3. Information Security

- 3.1. It is generally accepted that open government is best. The law requires that certain types of information must be available to county councillors, auditors, government departments, service users and the public. The council will be open and transparent in accordance with the [Access to Information Procedure Rules](#) and the [Freedom of Information Act 2000](#).
- 3.2. Employees must not use any information obtained in the course of their employment for personal gain or benefit. Nor should they pass it on to others who might use it in such a way. Employees must ensure they are sharing information with an appropriate

Appendix 1

level of security in accordance with the [Protective Marking Policy](#) and must respect the confidentiality of information that is protectively marked.

- 3.3. In the course of their work, employees may use or have access to sensitive, confidential or restricted information about colleagues, county councillors, customers, clients, partners or others connected with the council. Employees are required to properly protect such data, whether or not it has a protective marking upon it. All data and information not in the public domain, must remain confidential at all times, in accordance with the council's [Information Exchange Policy](#), [Health and Social Care policies](#), [Information Sharing Protocols](#) and [data protection principles](#). This includes council data and information that the employee accesses away from the office, either on their own device or a council owned device in accordance with the [Mobile Device Acceptable Use Policy](#).
- 3.4. These principles also apply to the use of social media as outlined in the council's [social networking policy](#) and the ICT Services [Acceptable Use Policy](#). The reputation and/or business of the council, customers, partners or others connected with the council must not be brought into disrepute through use of social networking.
- 3.5. Care should be taken that confidential information is not inadvertently shared, for instance by discussing confidential matters in public places, working whilst travelling by train or other public transport, or by leaving paper records or portable ICT equipment containing confidential information where it might easily be stolen, such as on full view in a parked car.
- 3.6. Any personal information received by an employee in the course of their employment should not be disclosed by the employee without the prior approval of that individual, except where such disclosure is required by the law or by council policy. This includes the sharing of any information with the media. External communications with the media are handled by the council's Communications team.
- 3.7. Where personal information is lost, stolen or inappropriately disclosed, the council may receive a fine. If a member of staff knowingly accesses or discloses such information without due cause, this is unlawful and they may be liable to prosecution.
- 3.8. Where staff are required to wear [ID badges](#), these must be worn and visible at all times.

4. Political Neutrality

- 4.1. Employees, who as part of their duties are required to provide advice to county councillors, must do so impartially and must not allow their own personal or political opinions to interfere with their work.
- 4.2. Some employees are in politically restricted posts and are prevented by law from taking part in certain political activities outside their work. This will be stated in their individual employment contract.

5. Personal Relationships and the Working Relationship

- 5.1. Any close personal relationship between an employee and a county councillor should not be seen to compromise impartiality of employees and must be openly declared in accordance with the [Protocol for Member Officer Relations](#).

Appendix 1

- 5.2. All groups and individuals within the community are entitled to courteous, efficient and impartial services. Provision of service to Dorset residents should not be influenced by any personal relationship. All employees who, during the course of their employment have direct or indirect contact with children or vulnerable adults, or who have access to information about them, have a responsibility to safeguard them and to promote their welfare. Employees should not put themselves in situations in which [allegations of abuse](#) or inappropriate behaviour could be made. Frontline staff must also have a good understanding of 'Prevent' to be able to recognise signs of radicalisation and be confident in referring individuals who can then receive support.
- 5.3. Employees who have a close personal relationship with work colleagues, including any contractors, should disclose the relationship to their line manager in accordance with the council's [close personal relationships at work protocol](#). Employees should not be involved in the recruitment and selection of, or any decision relating to discipline, promotion or [pay adjustments](#) for any individual who is a relative or with whom they are in a close personal relationship.
- 5.4. In all situations, employees should apply the same professional standards regardless of gender, gender identity, age, marital or civil partnership status, colour, race, nationality or other ethnic or national origin, religion or belief, disability, sexual orientation, pregnancy or maternity, criminal background, trade union activity or political belief, in accordance with the council's [diversity policy](#).

6. Other Employment

- 6.1. Full time employees who wish to undertake other paid employment must first have approval of the appropriate manager in accordance with the council's [scheme of delegation on people management matters](#). This is usually the line manager. Whilst part time employees do not require prior approval of other paid employment, they must declare the details of their other employment. In both instances, the line manager will consider whether the other employment could bring the council into disrepute or have a detrimental effect on or conflict with the council's business. If they consider that it could, they will discuss this with the employee. A copy of the written approval/declaration must be sent to HR&OD Support Services for the personal file.
- 6.2. Where employees do undertake other work, this must not be undertaken on any council premises and employees are not permitted to make use of any facilities including telephones or photocopying for this purpose.
- 6.3. Any copyright, patentable invention or a design capable of registration created by an employee during their employment with the council becomes the property of the council.

7. Conflict of Interests

- 7.1. Employees should not put themselves in a position where their duty to the council and their private interests conflict. Where there is a potential conflict of interest employees must:
 - Declare in writing, to their line manager, any potential conflict of interest between a private interest and that of the council. This may be a financial or non-financial interest for example acting as a school governor within a school maintained by the council, involvement with an organisation receiving grant aid from the council,

membership of an NHS Trust Board or involvement with an organisation or pressure group which may seek to influence the authority's policies.

- Declare in writing, to their line manager, any potential direct or non-direct interest in any decision about an existing or proposed contract with the council.
- Declare in writing to the appropriate manager, relationships of a business or private nature with external contractors, or potential contractors. Contracts must be awarded on merit and in accordance with the council's [contract procedure rules](#).
- If they are involved in procurement, declare any conflicts of interest relating to the procurement activity where they, or their spouse or civil partner, or person with whom they are living as husband and wife or civil partner, have a vested interest that could conflict with the best interests of the council. Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority.
- Declare in writing, to their line manager, membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. For example, employees should declare membership of freemasonry.

7.2. A copy of the written declaration of interest must be sent to HR&OD Support Services for the personal file.

7.3. Where there is a potential conflict of interest, the manager will decide, after consultation with the employee, on the most appropriate way for the matter to be progressed and record it in writing, to be filed with the copy of the declaration of interest. Advice of the Monitoring Officer will be sought whether there is a need for advice or where there is any disagreement regarding how the matter will progress.

8. Gifts and Hospitality

8.1. Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained. Employees must declare any gift they accept in writing to their line manager.

8.2. In addition, employees should:

- Declare in writing to their line manager any corrupt offer that is made to them.
- If invited to attend any social hospitality event, only accept if there is a genuine need to represent the council. Attendance at such events must first be approved in writing by the employee's line manager. Consideration must be given to the timing of the event in relation to decisions which the council may be taking affecting those providing the hospitality, including any purchasing decisions.
- Not accept significant personal gifts from contractors or outside suppliers unless it is an insignificant item of token value such as a pen, calendar or diary.

8.3. It is the responsibility of the Head of Service to maintain a record of gifts and hospitality (both offers accepted and refused) for reasons of openness and transparency.

9. Sponsorship – Giving and Receiving

- 9.1. 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.
- 9.2. Where the council wishes to sponsor an event or service, neither an employee nor any spouse, relative or close associate must benefit from such sponsorship in a direct way without there being full written disclosure to the appropriate manager. 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.

10. Personal Appearance

- 10.1. Employees should dress appropriately to the nature of the work undertaken, in a way which portrays a professional approach and which follows any operational requirements.
- 10.2. Exceptions to the usual standards may be agreed for 'dress down' days and a more casual approach may be acceptable in the summer, for example tailored shorts. However, employees should first consider whether they will be attending any meetings which require a more professional approach and should first check with their line manager if there is any doubt.
- 10.3. Employees are expected to observe a high standard of cleanliness and personal hygiene.