



Derby City Council

PERSONNEL COMMITTEE MEETING
8 January 2014

Report of the Director of HR and Business
Support

ITEM 7

Policies update – Managing Individual Capability and Employee Code of Conduct.

SUMMARY

- 1.1 The Human Resources Organisational Development team are in the process of reviewing and updating the Council's Human Resources Policies. The review has been prioritised in line with changes in legislation, case law and age of the policy.
- 1.2 This report sets out the reasons for the changes to the Managing Individual Capability Policy and Employee Code of Conduct. These are attached at Appendix 2 and 3 respectively. The Policies have been discussed and agreed in principle with the Trade Unions at the Conditions of Service Working Party.
- 1.3 All policies under review will be written in the new policy format, checked for clarity and use plain English.

RECOMMENDATION

- 2.1 To approve the revised Managing Individual Capability Policy
Appendix 2 and associated EIA (Appendix 3). The table of changes at Appendix 5 details the major changes to the policy and rationale behind each one.
- 2.2 To approve the revised Employee Code of Conduct (Appendix 4). The table of policy changes at Appendix 5 details the major changes to the policy and the rationale behind each one.

REASONS FOR RECOMMENDATION

- 3.1 The table of policy changes at Appendix 5 for the Managing Individual Capability Policy sets out the rationale for the changes. This policy was prioritised for review as there was no link to the Appeal Policy approved in 2011 which reinstated member appeals.
- 3.2 The table of policy changes at Appendix 5 for the Employee Code of Conduct sets out the rationale for the changes. This policy was prioritised for review due to legislation introducing the Localism Act and Social Enterprise.

SUPPORTING INFORMATION

4.1 As detailed on the table of changes (Appendix 5).

OTHER OPTIONS CONSIDERED

5.1 Managing Individual Capability Policy

The option to have a separate probation period policy was considered. While separate policies would ensure clarity, both would deal with performance issues where attendance and or conduct were being addressed. Historically, the two processes have sat in the same policy.

The Council has a large number of policies which we are trying to streamline; so that where a number of policies deal with the same issue they are amalgamated. This will make it easier for employees to find the correct policy and related information will be contained in one document.

This report has been approved by the following officers:

Legal officer	N/A
Financial officer	N/A
Human Resources officer	Tina Holmes
Estates/Property officer	N/A
Service Director(s)	Karen Jewell
Other(s)	Ben Ward – Strategic HR Team Leader

For more information contact:	Tina Holmes 01332 643894 tina.holmes@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Managing Individual Capability Policy Appendix 3 – Managing Individual Capability EIA Appendix 4 – Employee Code of Conduct Appendix 5 – Table of changes

IMPLICATIONS

Financial and Value for Money

- 1.1 Managing Individual Capability - Addressing performance issues robustly allows the Council to benefit from improved performance and productivity.

Legal

- 2.1 None for the Employee Code of Conduct
- 2.2 Managing Individual Capability - If performance issues are not dealt with following ACAS guidelines there is the potential for dismissed employees to proceed to an employment tribunal.

Personnel

- 3.1 Employee Code of Conduct - Having clear guidance on the standards of behaviour expected ensures employees do not inadvertently take actions that could lead to disciplinary action.

Equalities Impact

- 4.1 The existing EIA for the Employee Code of Conduct is still relevant
- 4.2 The Managing Individual Capability Policy has the potential for positive impacts for two equality groups. See attached EIA at Appendix 3

Health and Safety

- 5.1 None

Environmental Sustainability

- 6.1 None

Property and Asset Management

- 7.1 None

Risk Management

- 8.1 None

Corporate objectives and priorities for change

- 9.1 To develop a skilled and motivated workforce (Council Plan).



Managing Individual Capability

Appendix 2

Purpose

The Policy aims to support employees to achieve and sustain a satisfactory standard of performance. Capability may relate to the employee’s physical or mental capacity, or to their performance.

The Policy is split into two sections.

Section one deals with the probationary period.

Section two deals with underperformance of employees, who have completed their probation, where regular Managing Individual Performance reviews have not achieved the desired result of sustained improvement. Performance standard could be in respect of either one or all of the following:

- Individual objectives
- Leadership principles and standards / employee behaviours
- Council Values
- Personal development plan.

Document Control

Implementation date	2013
Author	Tina Holmes
Equality impact assessment date	25 November 2011 October 2013
Handbook/master list updated	
Version control	1.0



1 Policy application

1.1 This policy applies to all Council employees except:

- The Chief Executive and Chief Officers for whom there are separate provisions.
- Those employed under the delegated powers of Governing Bodies of Community, Voluntary Controlled Schools and Trust Schools. Governing Bodies of these schools are strongly urged to adopt this policy for non- teaching staff within their delegated powers.

1.2 Conduct issues will be dealt with under the Disciplinary and Dismissals Policy

2 Principles

2.1 Managers must ensure that all employees are given feedback on their performance and the opportunity to improve it, if required.

2.2 Managers must take into consideration the following factors when applying this policy.

- Has the employee had a long period of absence or significant short and intermittent sickness absences?
- Has the employee received all the necessary training for the role, including any on their personal development plan? This includes mandatory training
- Have any reasonable adjustments been identified, have these been implemented. Or do any reasonable adjustments need reviewing

2.3 Managers should address performance issues informally at the earliest opportunity.

Section One

3 Probation

3.1 New employees are required to serve a probationary period to assess whether they are capable of meeting the expected requirements of the job to which they have been recruited.

3.2 Managers will set targets for new employees in their first week, appropriate to their role and previous experience.

3.3 Managers should meet their new employee during the probation period to review progress against targets and discuss their performance. Ideally meetings should take place at 4, 8 and 14 weeks.

- 3.4 If performance has been satisfactory throughout the probation period the employee will be confirmed in post in writing at 20 weeks.
- 3.5 If performance is not satisfactory a meeting will be held with the employee to discuss the situation. The outcome of the meeting will be:
- if it has not been possible to assess the employee's performance due to any of the reasons at 2.2, the probationary period may be extended by a maximum of a further 20 weeks OR
 - to dismiss if appropriate. The appropriate level of officer must attend in this instance.
- 3.6 After a maximum of 40 weeks a decision must be taken whether the employee has satisfactorily met the requirements of their job.
- 3.7 If performance has been satisfactory the employee will be confirmed in post, in writing.
- 3.8 If performance has not been satisfactory a meeting must be arranged for the end of the extended probation period. The appropriate level of officer will attend to dismiss as appropriate.
- 3.9 This is the end of the probation process. There is no right of appeal.

Section Two

4 Capability

- 4.1 The capability process only applies to employees who have successfully completed their probationary period.
- 4.2 The capability process must not be started unless the manager has already tried to improve the employee's performance through the Managing Individual Performance process.
- 4.3 If the employee's performance has been affected by any of the reasons at 2.2 the manager must take appropriate actions to address these. Employees who have long term sickness or significant short and intermittent sickness absences should be dealt with through the Managing Attendance Policy.
- 4.4 Where there has been no significant sickness but there could be underlying health issues the manager should refer the employee to Occupation Health.

4.5 Where a satisfactory standard of performance has not been achieved and sustained the following stages should be followed:

Meeting Type	Maximum Penalty	Warning expires after
Stage 1 Capability Meeting	First written warning	12 months
Stage 2 Capability Meeting	Final written warning	18 months
Stage 3 Capability Meeting	Dismissal	

4.6 In respect of the above meetings employees:

- will have the right to be accompanied by another employee of the Council or a trade union representative plus any support as required under the Equality Act 2010.
- will be given a minimum of 10 normal working days notice.
- should make every effort to attend. They may offer a reasonable alternative time within 5 normal working days of the original date if their companion cannot attend.

4.7 Movement from one stage to another will occur if the employee fails to achieve and sustain a satisfactory level of expected performance within a stated period of time. This is usually 1-3 months.

4.8 Where an underlying health issue is identified from a medical referral and the outcome of the capability process is dismissal the employee will be offered redeployment support.

4.9 Employees dismissed through the capability process will have the right of appeal against the outcome of the meetings at 4.5 above. Details of the appeals policy and process can be obtained from your manager or at [\(link\)](#).

4.10 This is the final stage of the internal managing capability process.

5 Support and guidance

5.1 Guidance, supportive information and documentation is available from your manager or at [\(link\)](#).

6 Roles and responsibilities

6.1 The roles and responsibilities of key stakeholders are summarised in Appendix 1.

MANAGING INDIVIDUAL CAPABILITY ROLES AND RESPONSIBILITIES

APPENDIX 1

Chief Executive and Chief Officers, Tiers 1 and 2	Tier 3 Heads of Service	Line Manager	Employee	Human Resources
Every employee must use the procedure and guidance on iDerby				
Fairness and equality				
To ensure this policy is implemented in a fair, consistent and non-discriminatory manner.	To provide reasonable adjustments as required.	To provide reasonable adjustments as required.	To notify managers of reasonable adjustments required.	Provide advice and guidance to managers and employees.
General operation of the scheme				
To ensure managers carry out their responsibilities.				Provide advice and guidance to managers and employees.
Probation				
	Participate in process if required	Carry out target setting meeting and subsequent reviews promptly. At 20 weeks decide if performance satisfactory and take appropriate action. If probationary period extended after 40 weeks decide if performance is satisfactory and take appropriate action.	Participate in process. Raise any factors affecting performance.	Provide advice to managers and employees

Chief Executive and Chief Officers, Tiers 1 and 2	Tier 3 Heads of Service	Line Manager	Employee	Human Resources
Individual capability				
Carry out stages 2 and 3 where appropriate.	Carry out stages 2 and 3 of process	Carry out stage 1 of process If a satisfactory and sustained improvement is not achieved within the stated period arrange stages 2 and 3 as required	Participate in process Attends meeting and arranges for companion and any witnesses to be present.	Provide advice to managers and employees Provide advice and attend meetings at stages 2 and 3
Managing Individual Performance				
	Raise and discuss performance issues promptly at MIP reviews Ensure personal development plan, PDP, is progressed and kept updated	Raise and discuss performance issues promptly at MIP reviews Ensure personal development plan, PDP, is progressed and kept updated	Participate in MIP process. Raise any factors affecting performance Take actions to complete PDP	Provide advice to managers and employees
Document retention				
	Ensure confidentiality in line with the Council's data protection and IT policies	Ensure confidentiality in line with the Council's data protection and IT policies	Keep a copy of documents and decision letters	Ensure confidentiality in line with the Council's data protection and IT policies Ensure information is processed and that key letters are placed on the employee's personal file



Equality impact assessment form

Directorate Resources

Service area HR & Business Support

**Name of policy, strategy, review or
function being assessed**

Managing Individual Capability

Date of assessment 18 October 2013

Signed off by

**Cabinet or Personnel Committee's
decision**

Date published on website

1 What's the name of the policy you are assessing?

Managing Individual Capability

2 The assessment team

Team leader's name and job title – Tina Holmes, HR Advisor, Strategic Organisation Development

Other team members

Name	Job title	Organisation	Area of expertise
Keith Venables	Chair Disabled Employees Network	Derby City Council	Disability
Maggie Fennell	Co-Chair Disabled Employees Network	Derby City Council	Disability
Liz Moore	HR Business Partner	Derby City Council	HR
Susan Farmery	HR Advisor	Derby City Council	HR
Jocelyn Franklin	HR Advisor	Derby City Council	HR
Tania Hay	HR Advisor	Derby City Council	HR
Ben Ward	HR Team Leader	Derby City Council	HR

3 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council? Include here any links to the Council Plan or your Directorate Service Plan.

The policy aims to support employees to achieve and sustain a satisfactory standard of performance throughout their employment with the Council. This links to the Council's Plan to deliver good quality services that meet local needs.

4 Who delivers the policy, including any outside organisations who deliver under procurement arrangements?

Human Resources

5 Who are the main customers, users, partners, employees or groups affected by this proposal?

Internal policy for employees, used by HR and managers

6 Who have you consulted and engaged with so far about this policy and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups

Service Manager wanted the existing policy to be improved as they felt it did not meet their needs. It was agreed that the new layout and process appeared beneficial.

The Trade Unions were consulted at the Conditions of Service Working Group (CoSWP). They felt that the current policy was confusing as there was no clear difference between the probationary period and the use of the capability process for existing employees. Following the initial discussion the draft policy was taken back to CoSWP for consultation. Positive feedback was received on the improved process.

The Head of Occupational Health was concerned that Managers were only using the policy for poor performance relating to ill health. There have also been instances of employees being referred for ill health retirement before the Capability Policy had been exhausted.

The draft policy was sent by email to all the employee equality groups and the Lead on Equality and Diversity with a specific meeting being arranged with the Chair and Co-Chair of the Disabled Employees Network.

7 Using the skills and knowledge in your assessment team, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure

Equality groups	What do you know?	Positive impact	Negative impact	Not sure
Age	The capability policy makes clear that the capability process can only be used after the managing individual performance process has been followed. This will protect older workers from potential age discrimination based on them reaching a certain age rather than a true assessment of their capability.	X		
Disability	The policy makes clear that any reasonable adjustments required must be in place prior to either a probation period being classed as unsatisfactory or sanctions being applied under the capability process. This protects those with performance issues resulting from reasonable adjustments not being in place.	X		
Gender	The policy has neither a negative or positive affect on this equality group.			
Marriage and civil partnership	The policy has neither a negative or positive affect on this equality group.			
Pregnancy and maternity	The policy has neither a negative or positive affect on this equality group.			
Race	The policy has neither a negative or positive affect on this equality group.			
Religion or belief or none	The policy has neither a negative or positive affect on this equality group.			
Sexuality	The policy has neither a negative or positive affect on this equality group.			
Trans gender	The policy has neither a negative or positive affect on this equality group.			

People on low income	The policy has neither a negative or positive affect on this equality group.			
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Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later.

8 From the information you have collected, how are you going to lesson any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

There are no negative impacts on any equality groups.

9 What outcome does this assessment suggest you take? – you might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1	No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to promote equality have been taken
Outcome 2	Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3	Continue the policy despite potential for negative impact or missed opportunities to promote equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are sufficient plans to reduce the negative impact and plans to monitor the actual impact
Outcome 4	Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

1

Why did you come to this decision?

The policy has the potential for two positive impacts.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality action plan to lesson the effect of the negative impact. This is really important and may face a legal challenge in the future.

N/A

10 How do you plan to monitor the equality impact of the proposals, once they have been implemented?

All capability meetings will be recorded by equality group to check that no trends develop. If any trends do develop an action plan will be devised at that time.



Employee Code of Conduct

Policy Purpose

The Employee Code of Conduct sets out the standards of conduct and behaviour expected of all Council employees.

Document Control

Implementation date	25 January 2012
Author	Liz Moore/Tina Holmes
Equality impact assessment date	4 October 2011
Handbook/master list updated	26 January 2012
Revised/updated	Incorporates localism and social inclusion



1. Policy application

This policy applies to all Council employees except those employed under the delegated powers of Governing bodies of Community, Voluntary Controlled schools and Trust schools. Governing bodies of these schools are strongly urged to adopt this policy for non-teaching staff within their delegated powers.

This code should be read in conjunction with the disciplinary rules contained within the disciplinary and dismissals policy.

Any breach of this code will be regarded as misconduct, leading to disciplinary action up to and including dismissal. Nothing in this code overrides existing statutory or common law obligations.

2. Principles

2.1 General standards

The public is entitled to expect the highest standards of conduct from all employees who work in local government. The role of local government employees is to support the Council in achieving its objectives, implementing policies and delivering services to the local community.

This code describes minimum expected standards that protect the integrity of both employees and the Council; however, having a values-led approach is vital to the Council's success. This code describes minimum expected standards that protect the integrity of employees and the Council. Underpinning the code of conduct is a set of Council Values that are vital to the Council's success. The Values help us to maintain and improve how we work with each other, our partners and customers. You are expected to demonstrate behaviours that reflect these values whilst performing your duties.

The values of Derby City Council are:

Can do - Our positive attitude means that we find ways of achieving excellent outcomes for our customers, partners, stakeholders and colleagues.

Being the best – We create an environment where we constantly strive for better ways of doing things, through creativity, forward thinking and learning.

Brilliant customer experience – We put our external and internal customers at the heart of everything we do.

Honesty and respect – We will behave ethically and with transparency, embracing diversity and treating everyone fairly.

The Council also has guidance on workplace behaviours called [Derby Workstyle \(link\)](#) which employees are expected to follow.

2.2 Acceptance of gifts/hospitality

The Council is committed to conducting its services fairly, honestly, openly and adhering to the Anti-bribery Policy [link](#). You must not compromise your position by appearing to accept, or accepting gifts/hospitality which might be considered by others to have influenced you when making decisions on behalf of the Council.

You must secure approval from your line manager before accepting any gift or hospitality. All offers of gifts/hospitality over the value of £25 must be recorded. If you do not know the value or are unsure, record it.

In general, you are expected to refuse gifts and hospitality offered to you or members of your family by any person or body that has, or seeks to have dealings of any kind with the Council. Cash or monetary equivalents offered must always be refused, regardless of the value. There may be occasions where it could cause offence to refuse hospitality/gifts.

However, no gift/hospitality that could look as though you have been dishonest or corrupt should be accepted.

Details of the process and further guidance is available at [link](#).

2.3 Additional employment

Employees may carry out additional work, employment or outside activity if it is not in conflict with the Council's business.

The Chief Executive and Chief Officers must seek express consent from full Council to take up additional employment in line with their terms and conditions.

You must disclose and seek approval from your line manager who will determine if there is likely to be a conflict of interest. Your manager will also assess hours worked in line with the Working Time Regulations 1998 and discuss this with you.

You must not do personal work of any sort during the hours you are carrying out your work for the Council or use the Council's facilities in connection with additional employment.

You should also read, and act upon as necessary, the framework "Implications of the Localism Act and social enterprises" [link](#) if you are considering establishing a business, social enterprise or micro provider organisation.

Details of the declaration process and further guidance is available from your line manager or at [link](#).

2.4 Consumption of alcohol

Consumption of alcohol during working hours is not permitted.

You must not drink alcohol during the working day at all; including unpaid breaks if you are involved in the following:

- work involving a high level of health and safety risk;
- responsibility for others where there is a high level of health and safety risk;
- close contact with customers
- face to face contact with external or partner agencies where you are representing the Council.

Employees not involved in the above type of work are expected to take a sensible approach to the consumption of alcohol during unpaid breaks. You must be mindful of the effect your behaviour will have on the reputation of the Council and the impact alcohol will have on your ability to perform your duties.

Disciplinary action will be taken against you if your ability is impaired by alcohol whilst on duty. See the disciplinary rules for more information.

Employee Code of Conduct

2.5 Conflict/disclosure of personal interests

Employees must not allow personal interests to conflict with the Council's business. This means you must not use your Council position, facilities or equipment to benefit yourself, family, friends or a private company/interest.

You must register any interest you/your spouse/partner has which may conflict with the Council's interest. This includes any employment by, substantial shareholding in or membership of any external company or body which has, or may enter into a contractual relationship with the Council or which is involved in campaigning or lobbying in respect of any Council activity.

The same principles apply to work carried out through partnership arrangements. So if you are involved in any type of partnership working with other agencies/companies and there appears to be a potential conflict of interest, you must also register this as described above.

Disclosure must be made as soon as it becomes evident there is or may be a conflict of interest. It may come to light in processes such as recruitment, tendering or during committee meetings. It must be declared immediately if you, a relative or friend has, or could be perceived as having, a personal interest in the process. Arrangements should be made to protect both the Council and the employee's position.

You must also declare membership of any organisation not open to the public, which requires allegiance and which has secrecy about rules, membership or conduct.

You should also read, and act upon as necessary, the framework "Implications of the Localism Act and Social Enterprises" if you are considering establishing a business, social enterprise or micro provider organisation.

Details of the declaration process and further guidance is available from your line manager or at [link](#).

2.6 Sponsorship

When an outside organisation wishes to sponsor a Council activity or an individual employee, the rules as described in section 2.2 about accepting gifts and hospitality apply.

When the Council wishes to sponsor an event/organisation/individual, you must follow the rules for declaring a conflict of interest in section 2.5 if you may benefit, or it could be perceived you may benefit, from the arrangement.

2.7 Criminal charges

Any employee facing criminal charges must notify their line manager immediately, who will consider the impact on their contract of employment. Motoring convictions should be declared in line with the Driving at Work Policy.

2.8 Disclosure of information

Legislation requires that certain information must be available to councillors, auditors, government departments, customers and the public. The Council publishes its performance results and discloses information in line with the Freedom of Information Act.

You must always treat personal data obtained through your duties as confidential and only disclose personal data in accordance with the Data Protection Act Policy.

Further information about data protection is available from your line manager or at [link](#).

2.9 Dress

The Council does not have a formal dress code. Employees who are required to wear a uniform or protective clothing to perform their duties will be provided with what is required and must wear this as instructed.

Cultural dress is encouraged providing it does not become a health and safety risk within the working environment.

You should be mindful that the way you present yourself may reflect upon the Council's reputation. You must dress in a manner that is appropriate for the situation in which you are working and which does not offend colleagues, customers or service users.

2.10 Illegal substances

It is a criminal offence to produce, possess or supply an illegal substance. You must not use, or be under the influence of an illegal substance during the working day at all; including unpaid breaks. Where these offences come to light disciplinary action will be taken.

You must be mindful of the effect your behaviour will have on the reputation of the Council and the impact illegal substances, or the misuse of legal drugs, will have on your ability to perform your duties. Disciplinary action will be taken against you if your ability is impaired by illegal substances or the misuse of legal drugs while on duty.

2.11 Inventions, patents and copyright

Any inventions made before the Patents Act 1977 belong to the Council if they were made during the course of your employment. However, after 1 June 1978, inventions will only belong to the Council if:

- they have been made in the course of your normal duties
- you would be expected to be inventive as part of your duties
- they were made in the course of your duties and you had a special obligation to further the Council's interest.

Any material that is related to work belongs to the Council under the Copyright, Designs and Patents Act 1988. This means you cannot claim ownership of any material, written or produced by yourself or others during the course of your employment. You must not use any Council material for your own or a third party's gain.

2.12 Legacies/bequests in a will

Employees must never provide assistance to customers when drafting a will or act as a witness. Great care must be taken to ensure you are never placed in a position where it may appear that you are influencing or advising a customer about the content of their will.

Any gifts or monies left to you in a will must be declared using the acceptance of hospitality/gifts process described in section 2.2.

2.12 Off duty hours

Employees must not undermine public confidence in the Council in any way. This means your behaviour, both in and out of work, must not jeopardise your employment, undermine the trust placed in you as a Council employee or bring the Council into disrepute. Although your off duty hours are your personal concern, you must not allow official and private interests to conflict.

2.13 Personal use of Council equipment

The Council provides work equipment for employees to use to carry out their duties. If you wish to use such equipment for personal use, you must adhere to the policies that apply. For example, mobile phones, email and internet use..

2.14 Political neutrality

As a council employee, you service the Council as a whole. You must serve all councillors not just the controlling group and make sure you respect their individual rights. You must not allow your personal or political opinions to interfere with your work or your behaviour as a Council employee.

You will not normally be asked to advise any of the political groups represented on the Council about their, or the Council's work, or be required to attend political group meetings. However, in exceptional cases identified by the Chief Executive, senior officers may be asked to attend and advise political group meetings.

The Council is required by the Local Government and Housing Act 1989 to maintain a list of politically restricted posts. If you are employed in a restricted post, it prevents you from having any active political role either in or outside the workplace. It means you are disqualified from being elected or holding office as a member of this Council. You are also disqualified from standing or holding office with this Council if you hold any paid office or employment with a local or joint authority on which this Council is represented.

In practical terms, this means you cannot stand as a local councillor, an MP or a Euro MP. You are also restricted from:

- canvassing on behalf of a political party or a person who is or seeks to be a candidate.
- speaking to the public at large or publishing any written or artistic work that could give the impression that you are advocating support for a political party.

You will have been informed if your post is politically restricted and whether there is a right of appeal. For more information about politically restricted posts, see [link or speak to your line manager](#).

2.15 Professional qualifications

Employees in roles that require specific professional registration to be able to practise their profession must maintain this requirement. You must also comply with the professional standards, codes of practice and any continuing professional development requirements.

2.16 Relationships at work

Councillors

Mutual respect between employees and councillors is essential. Close personal relationships between employees and individual councillors can damage this respect. Officers whose duties require them to have contact with Elected Members must familiarise themselves with and Employee Code of Conduct

follow the Protocol on Member/Officer Relations a copy of which can be found in Part 5 of the Council's Constitution.

Employees

The Council has a statutory obligation to protect employees from harassment on the grounds of gender, race, disability, sexuality, religion or belief and age. You are expected to show courtesy and respect to fellow employees and maintain a professional attitude to others in the performance of your duties.

Customers

Employees in close contact with vulnerable customers must maintain professional relationships at all times. Appropriate boundaries should be made clear from the outset whilst being sensitive to the service user's personal history and how that might affect the relationship. Employees must not have any kind of physical or sexual relationship with customers.

Close personal relationships

During recruitment, candidates are required to declare any personal relationships they have with councillors or employees. Existing employees must not be involved in recruitment or other management processes involving a friend/relative, or someone they have a close personal relationship with. You must inform your line manager immediately if you identify an applicant that you have, or could be seen to have, a close personal relationship with.

Alternative management arrangements will be put in place, where possible, if a candidate is appointed who should be managed by, or will manage, a relative or someone with a close personal relationship.

Close relationships that develop during the course of employment between employees and or Councillors must be declared by both parties. Alternative working arrangements will be put in place to ensure compliance with this code. See [link](#) for how to do this.

2.17 Social Media

There is growing popularity and use of social media websites like blogs, Facebook and Twitter. These are useful tools for communicating and engaging with the public, and are already used by some employees for this purpose. Employees must make sure that their use of, and participation in, social media websites does not bring the Council into disrepute, or breach their obligations under relevant legislation or Council policies.

You should ensure that you follow the Social Media Marking Scheme policy ([link](#)), which governs the use of social media websites by Council employees. You should also follow the Council's Network, Email and Internet User policy, which contains detailed provisions on the use of the Council's information systems and IT facilities for both Council related activities and personal use. These policies are intended to set the standards of behaviour expected from employees in relation to their use of social media websites.

2.18 Whistleblowing

If you become aware of activities which you believe are illegal, improper, unethical or otherwise inconsistent with this code, you can obtain a copy of the Council's Confidential Reporting Code from ([Link](#)), your line manager or Human Resources.

3 Support and guidance

Further guidance, supportive information and documentation is available at [link](#).

4 Roles and responsibilities

The roles and responsibilities of key stakeholders are summarised in Appendix 1.

Appendix 1 – Roles and Responsibilities

Chief Executive & Chief Officers	Managers	Employees	Human Resources
Every employee must use the procedure and guidance on iDerby			
Fairness and equality			
To ensure this policy is implemented in a fair, consistent and non-discriminatory manner.			
General operation of the scheme			
To ensure managers carry out their responsibilities.	To ensure employees carry out their responsibilities.	To adhere to the employee responsibilities.	Provide advice and guidance to managers and employees.
Acceptance of hospitality, gifts and sponsorship			
To maintain a Directorate register of gifts, hospitality and sponsorship.	To approve acceptance of appropriate gifts, hospitality and sponsorship.	To declare and record all offers of gifts, hospitality and sponsorship over £25.	Provide advice and guidance to managers and employees.
To approve acceptance of appropriate gifts, hospitality and sponsorship.	To take management action where it appears an offer of gifts/hospitality/sponsorship is disproportionate or illegitimate.	To seek approval to accept appropriate gifts/hospitality.	
To take management action where it appears an offer of gifts/hospitality/sponsorship is disproportionate or illegitimate.			
Additional employment			
To maintain a Directorate register of additional employment.	To determine if there is a conflict of interest in additional employment.	To declare and seek approval of any additional employment.	Provide advice and guidance to managers and employees.

Chief Executive & Chief Officers	Managers	Employees	Human Resources
Seek express consent from full Council to undertake additional employment.	To take management action where additional employment represents a conflict of interest.	Sign working time regulations opt out agreement if working over 48 hours a week or reduce hours to comply.	
	To approve appropriate additional employment.		
	To determine if an employee will be working more than a 48 hour week and take action.		
Conflict/disclosure of personal interests			
To maintain a Directorate register of conflicts/disclosures of personal interests.	To take management action where there appears to be a conflict of interest.	To make a declaration if there is or appears to be a conflict of personal interest.	Provide advice and guidance to managers and employees.
To take management action where there appears to be a conflict of interest.			
Close personal relationships			
To maintain a Directorate register of close personal relationships.	Take management action where there is a conflict of interest due to a close personal relationship.	To declare any close personal relationships that emerge at work.	Provide advice and guidance to managers and employees.
Take management action where there is a conflict of interest due to a close personal relationship.			

Appendix 5

Employee Code of Conduct Policy – Table of major changes

Old Policy	Revised Policy	Reasons
Service User	Customer	Reflects corporate guidelines
No mention of Derby workstyle	Derby workstyle included at 2.1	New style buildings and ways of working have altered the dynamics within which employees work. Derby Workstyle lays out clear guidelines on the kind of behaviours that promote good relations at work
Working hours	During the hours you are carrying out your work for the Council.	The variety of working patterns in the council combined with increased business opportunities – the Localism Act and social enterprise- could lead to uncertainty about the propriety of self promotion. The change in wording seeks to make clear that whenever an employee is engaged on Council business they should not pursue their own interests. For example; An employee attending a conference or event on behalf of the Council, outside of normal working hours, should not promote their own potential business opportunities or interests.
	Implications of Localism Act and Social Enterprise	New guidance has been published for employees on the implications of the Localism Act and social enterprise. Employees need to be aware of how this may impact on them.
Small section on illegal substances	Clarity on illegal substances and drug misuse	Misuse of legal drugs was not mentioned in the previous policy. Data suggests there is increased misuse of legal drugs that could affect a person's ability to drive, operate machinery or impair their decision making. The information for illegal substances more closely matches the information on alcohol.
	Social media	Increased use of social media and the potential pitfalls inherent with this have been addressed in the Social Media Marking Policy Scheme. The code cross references employees to the Policy

Managing Individual Capability – Table of major changes

Old Policy	Revised Policy	Reasons
Managing Individual Performance (MIP) process and forms used in probation process to record targets and progress.	Removal of MIP forms from probationary process. Manager either to record in own format or suggested template.	Managers and Trade Unions have expressed concern that the MIP forms are not suitable for use in the probation process.
Probation meetings to happen on an ad hoc basis depending on employee's performance. MIP form must be used otherwise probation cannot be extended	Probation meeting must happen at 14 weeks. Other meetings to be held to discuss performance especially if the employee is underperforming. Guidance suggests 4 and 8 weeks. Meeting must be recorded on employee personal file in HRIS system.	Feedback from Trade Unions and manager.
Policy moves from capability to probation to capability.	Policy now split into two sections. Section one deals with probation and section two with capability.	Feedback suggests this makes it difficult for the policy to follow.
Factors to consider at 2.2 in current policy biased towards capability discussion rather than probation.	Training and reasonable adjustments to be implemented/discussed at probation meetings where required.	Clarifying that if employees are underperforming any necessary training or reasonable adjustment need to be put in place.
Purpose states 'managing individual capability address employees, including those on probation, where regular MIP reviews have failed, because of the employee's capability....'	Clarify that capability may include cases where there is diminished physical or mental capability. Cross reference to redeployment policy where capability is due to health reasons.	Occupational Health have identified that the capability process is not being exhausted prior to employees being sent for a referral for ill health retirement. Due to the strictness of the ill health retirement criteria employees may no longer be capable of carrying out their role but not qualify for ill health retirement.