

**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee – 20 January 2021

**Subject:** Revised Employee Code of Conduct, Smoking and Vaping and Digital Media Policy

**Report of:** Deputy Chief Executive and City Treasurer, City Solicitor

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**Purpose of Report:**

To outline new revised employment policies for the Committee's consideration: the revised Employee Code of Conduct, Smoking and Vaping Policy (previously titled Tobacco Control Policy) and Digital Media Policy (previously titled Social Media Policy).

**Recommendations:**

The Committee is requested to approve the new policies attached to this report. Given that the Employee Code of Conduct forms part of the Council's Constitution, the Code will be submitted to the Constitution and Nominations Committee and full Council on 3 February 2021.

**Wards affected:** All

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**Background reports and policies (available for public inspection)**

The Employee Code of Conduct  
The Employee Code of Conduct Guidance  
Current Tobacco Control Policy  
Declarations of Interest (proposed new form)

## **The Employee Code of Conduct**

### **1. Summary**

- 1.1 The Employee Code of Conduct sets out the minimum standards required of all employees working for Manchester and forms part of our Constitution. As part of our commitment to review all core HR Policies, a comprehensive review of the Code has taken place through engagement with staff focus groups across Directorates, key stakeholders and trade union colleagues.
- 1.2 As the Employee Code of Conduct directly references our existing Social Media Policy, Internet and Email Policy, and our Tobacco Control Policy, it has been necessary to review these policies in line with the updated standards of behaviour within the new Code.

### **2. Purpose of the Code**

- 2.1 The Employee Code of Conduct serves three key purposes:
  - It provides the ethical framework that informs our decisions and actions in line with our Corporate values and behaviours.
  - It is a crucial source of information for employees on our core employment policies and has a vital role in setting out our expectations within the induction process.
  - It outlines the basic standards that are expected of all employees and the consequences of non-compliance.

### **3. Context for the Review**

- 3.1 The existing Employee Code of Conduct has been in place, largely unchanged, for around 16 years. There have been significant changes to legislation and our employment policies since the implementation of the existing Code. These include, for example, the Equalities Act (2010) and The General Data Protection Regulation (2018). The current Code also predates the introduction of new or revised core Employment policies that include:
  - Employee Dispute Resolution Policy (2008)
  - Equal Opportunities in Employment Policy (2011)
  - Social Media Policy and Code of Practice (2014)
  - Attendance Management Policy (2016)
  - Capability Policy (2012)
  - Disciplinary Policy (2012)
  - Alcohol and substance Misuse policy (2014)
  - Health and Safety Policy (2020)
  - Flexible Working Policy (2019)
  - Employer Supported Volunteering Policy (2018)
  - Internet and Email Policy (2017)
  - Data Protection Policy (2014)

- Whistleblowing Policy (2019)
  - Anti-Fraud and Corruption Policy (2019)
  - Anti-Bribery Policy
  - Tobacco Control Policy (2016)
- 3.3. The new Code of Conduct is aligned with all current legislation and employment policies as well as the new Digital Media and Tobacco Control and Vaping Policies that are put forward for approval in this Personnel Committee Report.
- 3.4. In relation to the sections of the Code covering Declarations of Interest and Gifts and Hospitality, External and Internal Audit have highlighted areas where improvements of governance arrangements are required, and the new Code provides a more robust framework for managers and staff to act within.
- 3.5. The Manchester Strategy and Our Manchester Behaviours implemented in 2016 have provided an opportunity for a refresh of the key principles articulated in the Code and the new Code aligns the ethical standards set out in the Nolan Principles and the values that guide our organisation.

#### **4. Review Approach**

##### **4.1. Benchmarking**

Detailed comparisons have been undertaken with Core Cities which has been formative in the development of the 'Seven Key Principles of Working' at Manchester and reflecting good practice across all sections of the Code.

##### **4.2. Engagement activity**

4.2.1 The Code has been developed by drawing on specialist expertise held across a broad range of services. Extensive collaboration has taken place to ensure that the content reflects Service as well as Corporate priorities.

4.2.2 There has also been significant trade union and staff input into the new Code. This has included a number of focus groups with staff across Directorates to help shape the seven principles of working at Manchester as well as critical sections within the Code.

4.2.3. Trade Union colleagues have been fully engaged in shaping the development of the Code. At the outset of the review process in September 2019, colleagues highlighted a number of areas for inclusion in the new code including the use of Social Media, behaviour outside work and the provision of more comprehensive guidance in relation to Declarations of Interest, which we have actioned. In addition, we have collaborated closely with the Unions on the development of the new code.

## **5. Content**

- 5.1. The Code has been rewritten to ensure that both the content and the language reflects our current priorities and values as well as the legislative and policy environment. The areas of significant impact are highlighted for the consideration by Personnel Committee. A copy of the proposed new Code is attached as Appendix 1.
- 5.2. The Seven Principles of Working at Manchester
  - 5.2.1 These new principles are modelled on the Seven Principles of Public Life (or the 'Nolan principles') that were implemented by the Committee for Standards in Public Life in 2015. The principles set out the ethical values and behaviours that are expected of all people working in the public sector.
  - 5.2.2 The language has been adapted in response to staff feedback to ensure accessibility. The principles of 'we serve the public' and 'respect for others' have been added to ensure that Our Manchester core values and behaviours are incorporated. The adaptation of the Nolan principles is an effective approach used within other Core Cities that were benchmarked.
- 5.3. Use of Social Media
  - 5.3.1 Whilst there are many benefits both for staff and citizens in the Council's use of Social Media as a communication tool, inappropriate use of Social Media is an area which frequently arises in disciplinary cases. The Code sets out the principles that support appropriate use of Social Media and outlines the types of behaviour on Social Media that are unacceptable. The existing Social Media Policy (Appendix 2) and Code of Practice (Appendix 3) has been reviewed and brought into line with the advice contained within the Code. The changes are detailed in section eight of this report.
- 5.4. Declarations of Interest
  - 5.4.1 As outlined in the report to SMT in May 2020 External Audit recommended that we request all Members and Senior Officers update the Register of Interests on a yearly basis. In response to the Audit, we committed to implementing a process to ensure the annual update of the register of interests. A Corporate form has also been developed within the SAP infrastructure supports which strengthens our approach in this area. Given that conflicts of interest can occur across a wide range of roles, the Code outlines the requirement that all staff complete a declaration of interest form on a yearly basis and submit a new form if there are new interests to declare. This will ensure a consistent and robust approach across services.
  - 5.4.2 The new Code also reflects feedback from staff and stakeholders indicating that clearer guidance on the criteria for a conflict of interest is required, as well as examples of the range of actions managers can take to respond to identified conflicts.

## 5.5 Gifts and Hospitality

5.5.1 The Internal Audit Report covering the use of Purchase Cards produced in September 2018 indicated that a proportion of purchase card spends were used to provide entertainment or hospitality inappropriately. In order to more effectively manage the risk of real or perceived misuse of public funds, it was recommended that we provide guidance on the provision of hospitality. The new Code outlines the key principles of providing hospitality including several exceptional circumstances which would constitute appropriate provision of hospitality.

5.4.2 In addition, the full breadth of the gifts and hospitality guidance has been refreshed to ensure that there is a clear process for decision making, an effective audit trail and appropriate levels of authorisation in this area.

## 5.5 Behaviour Outside Work

5.5.1 We recognise the right for employees to a private life, however, if the behaviour of employees violates our core values and damages public trust in the individual or the services we deliver, this can constitute a breach of the Code. This area is frequently the subject of disciplinary cases, particularly in relation to employee behaviour at work events. The new Code outlines the key considerations for staff in relation to this.

## 6. Accompanying guidance

6.1 There is currently a guidance document that supports the Employee Code of Conduct which is a summarised version of the full Code. Stakeholder commented that the document duplicates rather than adds value to the current Code. Given that in most cases, the Code signposts staff to more detailed guidance in other documents, instead of additional guidance, a succinct Frequently Asked Questions document will support the Code. This will focus on areas where there are significant changes in policy or feedback has highlighted a lack of understanding or awareness.

## 7. Implementation of the new Code

7.1. Corporate Communications have developed an engaging and accessible layout for the new Code which will allow easy reference to all relevant sections. The Code will also be embedded within the new Intranet to allow rapid navigation and access to specific information required through searches.

7.2. There will be a communications campaign to support the implementation of the new Code and develop awareness in key areas. The campaign will span across the full spectrum of the Code and will be structured in line with the key principles. There will also be a focus on new areas of policy contained within the Code as well as those areas where we have identified low levels of staff knowledge and awareness.

7.3 Training on key areas of the Code is currently being incorporated into broader training plans that are currently being developed, particularly in relation to Manager and Leadership training.

## **Digital Media Policy**

8.1 Existing policy

8.11 We have several policy documents relating to online communication, including:

- Social Media Policy (Appendix 2)
- Social Media Code of Practice (Appendix 3)
- Introduction to Internet and Email Policy (Appendix 4)
- Internet and Email Policy (Appendix 5)

8.12 Given the significant content overlap of our existing policy, and the changing nature of online communication, maintaining separate policy and guidance for each medium as above is no longer practical.

8.13 The new Digital Media Policy (Appendix 6) defines any form of media that can be viewed on digital devices such as computers, tablets or smartphones as digital media. This includes but is not limited to:

- Email
- Social Media
- The Internet
- The Intranet
- Any integrated social features within the Intranet

8.14 By unifying our policy position in this way, it is intended that the expected standards of online behaviour are made more accessible to staff by presenting them in a single document. This also reduces repetition around information security, GDPR, and monitoring of the Council network.

8.15 Moving forward, we can focus on the key issues that are common to all online communications – how employees can safely advocate for the Council, and how to take personal responsibility for what they say online.

8.16 The Council recognises that many members of staff make use of digital media in a personal capacity, and that particularly with social media the line between personal and professional has become increasingly blurred. This trend has accelerated as we have become more dependent on remote working following the Covid-19 crisis.

8.17 The policy is very clear of the standards of behaviour expected in both personal and professional use of all digital media by directly referencing the new Code of Conduct. The purpose of these standards is not to prevent staff from expressing themselves online; the new policy contains an important statement to ensure that the full context of any breaches of the Digital Media policy are considered:

*“The Council’s response to any reported misuse of social media will be reasonable and proportionate to the perceived offence, the nature and context of the material, and the impact or potential impact on the Council.”*

- 8.18 It is, however, vital that staff understand that it is not possible to draw a clear line between expectations of staff in their private and public life: the nature of online communications and its ability to be shared widely to our citizens, stakeholders and service users means that we need to ensure staff are mindful of appropriate standards of behaviour in all communications whether conducted in private or public.

*“Even if a member of staff does not identify as Council staff, this policy will still apply if a connection with their employment can be made. Staff should be mindful that they are responsible for their words and actions in an online environment, and unacceptable conduct may result in disciplinary action’.”*

- 8.19 The grey area between personal and professional use can be difficult to navigate but, as recent case law has shown, even if online posts are made with the expectation that they are private or anonymous, they may end up in the public domain.

## 8.2 Information Security

- 8.21 The key principles of information security have been retained in the Digital Media Policy, however instead of a comprehensive list of standards and behaviours which are contained elsewhere within the policy framework, the 12 Golden Rules, Cyber Security and GDPR are signposted for those who require further information.

## 8.3 Social Media

- 8.3.1 Policy on the use of official Council social media accounts, much of which is procedural, is substantially unchanged.

- 8.3.2 However, there is one key difference in that our current social media policy regards official and personal use of social media as completely distinct, which no longer reflects how social media is commonly used. Staff at all levels now use personal social media accounts to positively engage with communities as representatives of the Council. The new Digital Media Policy is clear that there are circumstances where it is appropriate for employees to use their personal accounts in this way.

- 8.3.4 The wording has been refreshed to clarify aspects of personal use; however, the key principle remains the same - staff should conduct their personal social media activity with the Code of Conduct in mind.

## 8.4 Email

- 8.4.1 Key elements of information security that are specific to email remain in the policy, such as the need to be vigilant in ensuring that only those who need to

know are copied into emails. The policy is now explicit that staff must not use a Council email to register for personal use, such as online streaming services, due to ICT reporting a significant increase in 'phishing' scams. The 12 Golden Rules, Cyber Security and GDPR are again signposted for those who want further information.

8.4.2 Informal alternatives to internal email (such as WhatsApp groups) are covered as we are aware that staff use these, and we need to emphasise that the Code of Conduct still applies to this kind of communication.

8.4.3 Overall, there are no significant changes to the email policy, although the language and terminology have been updated where necessary.

## 8.5 Internet

8.5.1 The Internet policy is largely unchanged, and as such the section on the internet is relatively brief as key behaviours are covered by the Code of Conduct and Information Security.

## 8.6 Accompanying Guidance

8.6.1 Use of digital media will be covered in the Frequently Asked Questions produced alongside the Employee Code Conduct. Additionally, more detailed guidance specific to the Digital Media Policy will be developed for the new intranet that focuses on the most accessible language in terms of reading age.

## **Tobacco Control Policy**

### 9. Context for the review

9.1 The Tobacco Control Policy is a key policy that is referred to in the new Employee Code of Conduct although it was omitted in the original policy. Feedback from engagement activity was that it was important to ensure staff are clear from entering into the Council the standards that apply to smoking and vaping.

9.1.1 Another main driver for the review of this policy was to include reference to the use of e-cigarettes (vaping), which is a major omission in the existing policy.

9.1.2 Vaping has rapidly become the most popular stop smoking aid in England. Figures from Action on Smoking and Health (2019) suggest that the number of people vaping in the UK has reached 3.6 million. Recent evidence indicates that vaping is an effective way to help smokers quit. However, the long-term health effects of vaping are not yet well understood.

9.1.3 The draft policy is appended as Appendix 7. It has been developed in light of best practice advice published by Public Health England (PHE) and following benchmarking with the policies of other Local Authorities. Colleagues in Population Health and Wellbeing and our recognised Trade Unions have also been consulted.

9.1.4 Best practice advice from PHE regarding workplace vaping policies states there should be a distinction between smoking and vaping, as smoking in workplaces is prohibited under the Smoke Free Regulations (2006), whilst vaping is not. PHE also advise that policies should seek a balance between maximising the benefits of vaping as a stop-smoking aid, whilst mitigating the risks that can result in the workplace.

## 9.2 Content

9.2.1 In support of simplicity and usability, one policy covering both smoking and vaping has been developed, which focuses on the employment provisions and expectations of employees. It is proposed that further contextual information, including data in relation to the prevalence of smoking and vaping, and smoking related conditions in Manchester is positioned on the intranet as supplementary to the policy.

9.2.2 Although from a public health perspective vaping is considered to be less harmful than smoking and an effective stop-smoking aid, the long-term health effects of vaping are unclear. Benchmarking and feedback from Trade Union colleagues suggested that the policy provisions should bring vaping in line with smoking. The policy therefore prohibits vaping inside Council buildings and vehicles and on Council grounds. This will support with consistent messaging to the workforce about what is acceptable whilst at work.

9.2.3 The draft policy highlights the distinction between smoking and vaping and acknowledges that vaping is a popular stop-smoking aid. The policy also sets out the risks that can result from vaping in the workplace; vapour can become a nuisance or distraction for people nearby, as well as an irritant for people with respiratory conditions such as asthma. All other provisions within the policy remain the same as the previous version.

## 10. Comments from Trade Unions

10.1 To follow

## 11. Comments from the Director of HR

11.1 No further comments to add

## 12. Conclusion

12.1 The Personnel Committee is requested to approve the Digital Media and Smoking and Vaping Policy, and to commend the Employee Code of Conduct to the Council.