



MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 5 DECEMBER 2012
TIME : 2.30 PM

MEMBERS OF THE COMMITTEE

EMPLOYER'S SIDE:

Councillors M Wood (Chairman), M Alexander, L Haysey and A Jackson

Substitutes:

Conservative

J Ranger

Liberal Democrat:

J Wing

STAFF SIDE - UNISON

Mrs B Dodkins, Mrs J Sharp and Mr A Stevenson

(Substitutes: S Gray and J Francis)

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

CONTACT OFFICER: LORRAINE BLACKBURN
01279 502172
E-mail: lorraine.blackburn@eastherts.gov.uk

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.

2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.

3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

AGENDA

1. Apologies

To receive apologies for absence.

2. Appointment of Vice Chairman

3. Minutes (Pages 7 - 16)

To confirm the Minutes of the meeting held on 13 June 2012

4. Chairman's Announcements

5. Declarations of Interest

To receive any member's Declarations of Interest and Party Whip arrangements.

6. Reports by Secretary to the Employer's Side

(A) Social Media Policy (Pages 17 - 34)

(B) Disclosure and Barring Service Policy(Pages 35 - 60)

(C) Officers' Code of Conduct (Pages 61 - 80)

7. Reports by Secretary to the Staff Side

None

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 13 JUNE
2012, AT 2.30 PM

PRESENT: **Employer's Side**

Councillor Mike Wood (Chairman)
Councillors M Alexander and L Haysey

Staff Side (UNISON)

Mrs J Sharp and Mr A Stevenson

ALSO PRESENT:

Councillor J Ranger and Mr P Farley

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Emma Freeman	- Head of People, ICT and Property Services
Alan Madin	- Director of Internal Services
Jaleh Nahvi	- Human Resources Officer
George A Robertson	- Chief Executive and Director of Customer and Community Services

1 **REDUNDANCY AND APPEALS POLICIES**

The Secretary to the Employer's Side submitted a report setting out revisions to the Redundancy and Appeal Policies. The Staff Side expressed concern that they had not had sufficient time to review these policies and the Bullying and Harassment Policy elsewhere on the

agenda. The Secretary to the Employer's Side explained that deadlines in their submission for comment had been observed. Staff Side disagreed adding that there had been very little time – only four working days, to review four difficult and detailed policies in order to give them the time they deserved.

To facilitate debate, the Director of Internal Services suggested that these policies be submitted to Human Resources Committee subject to both sides resolving any anomalies in advance of the meeting. In the event that issues cannot be resolved, then the Policies would be referred back to Local Joint Panel for further consideration.

Staff Side expressed concern regarding proposed changes in the Redundancy Policy to the Multiplier (of 2.6). Concerns were also expressed in relation to paragraph 1.3 of the report now submitted whereby the proposed revised policy would "... not form part of employees' terms and condition of employment".

A Member referred to the statutory minimum and that the Council had improved upon this, adding that East Herts Council was more generous than other Councils. The Secretary to the Employer's Side stated that with shared services, there was a need to review and harmonise policies.

Staff Side expressed concern that the Redundancy and Appeals Policies were more about organisational change and that redundancy issues were given secondary consideration. They urged the Panel to provide UNISON with more time to review the Policies adding that any suggestion to review the multiplier would not be supported, as there was no reason to reduce this. Paul Farley (UNISON Regional Organiser) stated that the multiplier was not too generous as thought by the Employer's Side and that any change would be detrimental to those who might be made redundant.

The Director of Internal Services explained that the

Council was looking at anomalies between the three Councils and of the need for consistency between the three Councils. He stated that it was not about reducing the 2.6 multiplier rather having three Councils with “common factors”.

The Panel supported a suggestion that the Redundancy and Appeals polices be submitted to Human Resources Committee, subject to both sides resolving any anomalies in advance of the meeting. In the event that issues could not be resolved then the Policies would be referred back to Local Joint Panel for further consideration.

RECOMMENDED – that the Redundancy and Appeals polices be submitted to Human Resources Committee, subject to both sides resolving any anomalies in advance of the meeting. In the event that issues cannot be resolved, then the Policies be referred back to Local Joint Panel for further consideration.

2 BULLYING AND HARASSMENT POLICY

The Secretary to Employer’s Side submitted a report outlining revisions to the Bullying and Harassment Policy and Dignity at Work Statement. The Secretary to the Employer’s Side outlined the key changes.

Staff Side stated that they had been given insufficient time to consider the policy or its implications. To facilitate debate, the Director of Internal Services suggested that these polices be submitted to Human Resources Committee, subject to both sides resolving any anomalies in advance of the meeting. In the event that issues cannot be resolved, then the Polices would be referred back to Local Joint Panel for further consideration.

Staff Side sought clarification on when informal as opposed to formal approaches should be used and of the difficulties managers might face in deciding what

constituted bullying or harassment. The Employer's Side referred Members to the report where the use of the formal procedures would apply. Members requested that managers be provided with appropriate training. The Panel supported this suggestion.

Staff Side referred to the Dignity At Work Statement commenting that everyone had a right to be treated with dignity and respect and that this should be included in the Statement.

A Member referred to electronic bullying. The Secretary to the Employer's Side stated that a Social Media Policy would be drafted.

Members supported the suggestion that all complaints (including informal) ones, should be logged.

The Panel supported a suggestion that the Bullying and Harassment Policy, as amended, be submitted to Human Resources Committee, subject to both sides resolving any anomalies in advance of the meeting. In the event that issues cannot be resolved, then the Policy would be referred back to Local Joint Panel for further consideration.

RECOMMENDED – that the Bullying and Harassment Policy be submitted to Human Resources Committee subject to both sides resolving any anomalies in advance of the meeting. In the event that issues cannot be resolved, then the Policy be referred back to Local Joint Panel for further consideration.

3 **RECRUITMENT POLICY**

The Secretary to the Employer's Side submitted a report detailing revisions to the Recruitment Policy. It was noted that the Policy had last been updated in 2003.

A Member referred to the use of Manpower which had helped the Council reduce its recruitment costs and to

the use of Talent Pools by some organisations. The Secretary to the Employer's Side confirmed that the Council was exploring the use of the regional portal and the facilities it had to offer. Officers would also be exploring what processes were used by both North Herts and Stevenage in terms of recruitment approaches.

Paul Farley referred to cross boundary recruitment approaches by the Police in terms of Cambridge and Bedfordshire. In response to a query concerning positive active recruitment in terms of ethnicity and disability, the Secretary to the Employer's Side confirmed that statistics were monitored.

The Panel supported the revised report.

RECOMMENDED – that the revised Recruitment Policy, as now submitted, be approved.

4 **REVISED FLEXIBLE WORKING SCHEME**

The Secretary to the Employer's Side submitted a report outlining revisions to the Flexible Working Policy. Staff Side referred to the fact that the flexi-time scheme was contractual and concerns were expressed regarding this specific bullet point, set out in the report now submitted. The Secretary to the Employer's Side stated that she was not aware of the exact wording in the original policy and would need to review this. A Member explained the benefits of the flexi-time scheme from an employee and employer's viewpoint.

The Panel supported the suggestion that bullet point seven, in the report now submitted, referring to the flexitime scheme as not being contractual, be deleted.

RECOMMENDED – that the revised Flexible Working Scheme, as now amended, be approved.

5 **STAFF AND MEMBER CAR PARKING - REVIEW**

The Head of Customer Services and Parking submitted a

report outlining a policy for consideration regarding staff and member car parking, the detail of which was set out in the report now submitted.

A Member commented on the difficulties in parking at Wallfields when a bowls match was in progress. It was suggested that the layout of the car park be reviewed in order to make more spaces available. The Secretary to the Employer's Side referred to the use of Bentley House car park. She stated that this building was presently unoccupied but this would impact negatively on the Council when the building was occupied. It was noted that staff could use parking at Grange Paddocks free of charge.

The Chairman agreed that the Bentley House building and the summer holidays was having a positive effect in terms of car parking availability.

The Panel recommended support of Option (1), as detailed in the report now submitted, as a policy to be adopted for staff and member car parking.

RECOMMENDED – that the Council adopt Option (1), as detailed in the report now submitted, as a Policy for staff and Member parking.

6 APOLOGIES

Apologies for absence were received from Councillor A Jackson and Brenda Dodkins.

7 MINUTES

It was noted that Chris Clowes had recently resigned from representing the Staff Side (UNISON).

RESOLVED – that the Minutes of the meeting held on 6 December 2011 be approved as a correct record and signed by the Chairman.

8 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

It was moved by Jane Sharp and seconded by Councillor M Alexander that Councillor M Wood be appointed Chairman for the Civic Year 2012/13. The appointment of Vice Chairman was deferred to the next meeting of the Local Joint Panel.

RESOLVED – that Councillor M Wood be appointed Chairman for the Civic Year 2012/13.

9 RESTRUCTURE UPDATE

The Secretary to the Employer's Side submitted a report providing a summary of the outcomes of all recent restructures including the total number of voluntary and compulsory redundancies, early retirements / resignations resulting from restructures during the civic year 2010/11. In summary, 43 members of staff had left the Council. Staff Side stated that in relation to voluntary redundancies, these people had left the Council because of the move to Hertford. The redundancies were not strictly speaking voluntary since due to personal circumstances e.g. child care arrangements, it was impossible for some individuals to travel to Hertford.

The Panel received the report.

RESOLVED – that the report be noted.

10 SENIOR MANAGEMENT APPOINTMENTS, GRADING AND TERMINATION

The Secretary to the Staff Side submitted a report concerning issues which Unison considered relevant to the efficient operation of the organisation which had arisen when the Chief Executive had left the authority by mutual agreement and of how UNISON might support the selection process in appointing senior managers.

Paul Farley (UNISON, Region) explained that UNISON did not have a Branch Secretary at the moment. He explained that the report questioned whether process had been followed and properly applied, i.e. was someone's employment being terminated correctly? He referred to the need to ensure

complete transparency in its dealings in such matters. Paul Farley stated that for UNISON to meet potential Chief Officers prior to being interviewed, might be beneficial to all. He was concerned that the Hay Scheme was used to evaluate some staff, but not all.

A Member felt that meeting potential Chief Officers in advance, might be useful for some candidates and would provide the opportunity for them to evaluate whether the Council was for them.

Staff Side expressed concern that the report author had been asked to revise the report and stressed the need for the Staff Side to be totally independent in its dealings.

Staff Side commented on the lack of communication and keeping staff informed about the absence of the Chief Executive. Staff appeared to be kept up to date via the local press. It was acknowledged that the details of the Chief Executive's absence should be kept personal, but that the matter seemed to be shrouded in secrecy.

The Director of Internal Services confirmed that any comments he had made on the Staff Side's report were only suggestions on style rather than substance and he had stressed that it was a decision for UNISON to accept them or not. He confirmed that due process had been fully complied with throughout, legal advice had been taken and observed. In terms of the Job Evaluation Scheme, he stated that the Local Government Association (LGA) had a scheme which might be helpful for senior appointments and that the merits of this scheme would be assessed against the Hay Scheme.

The Chief Executive and Director of Customer and Community Services confirmed that due process had been followed at all times when the previous Chief Executive had left the council. He pointed out specific statements in the report that were simply factually incorrect and based on conjecture. He was disappointed with the report which he felt was based on ill founded assumptions, gossip and speculation.

Staff Side agreed to the deletion of the second sentence in paragraph 3.2 of the report now submitted.

A Member suggested that the Panel should look forward rather than reflecting on what had happened.

The Secretary to the Employer’s Side confirmed that she would continue to look at the Hay Scheme and the LGA Scheme and evaluate the merits of both. Staff Side confirmed that the integrity of the scheme needed to be observed and applied to the whole of the organisation.

RESOLVED – that (A) the report be noted;

(B) Staff Side’s preference for the Hay Scheme be noted and be taken into account in determining future arrangements for the evaluation of Chief Officer and heads of service posts; and

(C) Consideration be given as to how staff might be engaged in Chief Officer appointments to allow candidates to gain a fuller understanding of the Council

The meeting closed at 4.30 pm

Chairman
Date

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EAST HERTS COUNCIL

LOCAL JOINT PANEL – 5 DECEMBER 2012

HUMAN RESOURCES COMMITTEE – 16 JANUARY 2013

CHIEF EXECUTIVE AND DIRECTOR OF CUSTOMER AND
COMMUNITY SERVICES

SOCIAL MEDIA USE POLICY

WARD(S) AFFECTED: N/A

Purpose/Summary of Report

- To establish a Council policy to provide clear guidance about the personal and business use (on behalf of the Council) of Social Media.

<u>RECOMMENDATION FOR LOCAL JOINT PANEL: That:</u>	
(A)	The Social Media Use Policy presented be recommended for adoption.
<u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:</u> That:	
(A)	The Social Media Use Policy presented be adopted.

1.0 Background

- 1.1 Social media opens up many new and exciting opportunities. The Council's Social Media Principles and Communications Strategy will ensure these are maximised for the Council. However, there are many potential issues to consider – as individuals outside work, as employees and as an organisation.
- 1.2 The Council has adopted a new Communications Strategy (Executive 10 July 2012) which includes a set of Social Media Principles, recognising the growing importance of social media as a communication and engagement tool.

2.0 Report

- 2.1 The Social Media Use Policy, Essential Reference Paper B, provides clear guidance about personal and business use (on behalf of the Council) of social media. This policy forms part of the Information Security Policy and links with the Council's other Information Communication Technology (ICT) User Policies and the Officer Code of Conduct, in particular the Disclosure of Information.
- 2.2 Any form of communication has the possibility of being misunderstood and social media is no more or no less vulnerable. The following laws apply with online participation of any kind:

- Data Protection Act 1998
- Defamation Act 1996
- Human rights Act 1998
- Equality Act 2010
- Copyright, Designs and Patents Act 1988
- Regulatory and investigatory Powers Act 2000
- Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000

A Council Policy is therefore required to ensure all employees are supported in the use of social media in compliance with the above legal framework.

- 2.3 People post information on social media about all sorts of things, including, for instance, political opinions. In many cases, their username, their biographical details or their link to their website makes their offline identity traceable. Data Protection is therefore of particular importance and the Social Media Use Policy supports compliance with the Data Protection Act.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Social Media Policy Report to Corporate Management Team, 25/09/12
Report to Corporate Business Scrutiny 29/05/12 – Communications Strategy

Report to Executive 10/07/12 – Communications Strategy

Contact Member: Councillor Tony Jackson – Leader of the Council
tony.jackson@eastherts.gov.uk

Contact Officer: Neil Sloper – Head of Customer Service and
Parking
01992 531611
neil.sloper@eastherts.gov.uk

Report Author: Neil Sloper

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	The policy proposed has been developed following full consultation with the Senior Management Group, the unions have also have had full sight of the developing policy and have made no suggested amendments. The policy is subject to approval by Local Joint Panel.
Legal:	Any form of communication has the possibility of being misunderstood. Failure to comply with the associated laws detailed in 4.0 Legal Framework of the report result in significant reputational damage, breaches may incur financial penalties and published decision notices from the Information Commissioner's Office.
Financial:	There are no financial implications within this report
Human Resource:	The Social Media Use Policy is to be established to support and guide staff in effective use of Social Media. The policy proposed will ensure all staff are fully compliant with the Communications Strategy and Employee Code of Conduct when using this type of communication media. The Communications team will provide on-going training and support in the use of social media.
Risk Management:	Failure to implement a Social Media Use policy will result in a failure to support staff in the effective use of social media and may lead to unwitting breaches of the Council's Communications and Information Security Policies. Staff may also breach the Employee code of conduct and bring the Council into disrepute.

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East Herts Council

Social Media Policy

Policy Statement

**Policy Statement No 43 (Issue No 1)
October 2012**

Contents

1.	Background	3
2.	Personal Use	3
3.	Business Use	5
4.	Legal Considerations and Compliance	7
5.	Policy Review and Amendments	9
	Appendix A	10

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SOCIAL MEDIA POLICY

Policy Statement No 43 (Issue No 1) October 2012

1.0 Background

- 1.1 Social media opens up many new and exciting opportunities. The Council’s Social Media Principles (Appendix A) will ensure these are maximised for the Council. However, there are many potential issues to consider – as individuals outside work, as employees and as an organisation.
- 1.2 This policy provides clear guidance about personal and business (on behalf of the Council) use of social media. This policy is part of the Information Security Policy and links with the Council’s other ICT User Policies and the Officer Code of Conduct, in particular the Disclosure of Information.
- 1.3 Employees who fail to follow these guidelines may be subject to disciplinary action in accordance with the Council’s Disciplinary Policy.

2.0 Personal Use

2.1 Using Council ICT

- 2.1.1 The Council allows limited personal use of ICT resources, including the internet. Please see the ICT User Policies for further information. Employees accessing social media sites on their personal devices should only do so in their own time e.g. lunch time.
- 2.1.2 Employees are not allowed to use Council ICT equipment to use social networking sites inappropriately or create new internet sites that contain Council information without authorisation from the Communications Team.
- 2.1.3 The Council reserves the right to monitor employees internet usage and where possible will endeavor to inform an employee when this is about to happen and the reasons for it. The Council considers that valid reasons for checking an employee’s internet usage include suspicions that the employee has:
 - Been spending an excessive amount of time viewing websites that are not work-related;

- Using the internet for cyber bullying; or
- Acted in a way that could damage the reputation of the Council or breaches confidentiality
- Accessing websites deemed inappropriate as detailed in the ICT Internet Use Policy.

2.1.4 If appropriate, disciplinary action may be taken in line with the Council's Disciplinary Policy.

2.2 Personal Posting on Social Media

2.2.1 Many Council employees will have their own social networks to keep in touch with friends and family. The Council respects the employee's rights to a private life.

2.2.2 However East Herts Council must ensure confidentiality and its reputation are protected along with ensuring that customers are safeguarded. Employees should be aware that social networking websites are a public forum and should always assume that their entries on any website are public and can be seen by everyone, this could include a colleague, your manager, a Councillor and our customers.

2.2.3 The Council therefore requires employees using social networking sites to consider the Officers' Code of Conduct and not:

- Comment on the work of the Council such that it could bring the authority into disrepute.
- Comment on other members of staff or Members of the Council.
- Conduct yourself in a way that could bring the authority into disrepute.
- Allow your interactions to damage working relationships between members of staff, Councillors and any of the Councils' residents, clients or customers.

2.2.4 As an extra precaution employees may also want to consider refraining from identifying themselves as working for the Council on their own and other people's social media sites. However, if employees are commenting on a post, or posting something themselves, that is related to the Council, or a Council project, they should make it clear that they are an employee of the council.

2.2.5 The Council will not actively monitor the personal, social media profiles of staff; however if the Council becomes aware of any activity breaching the above, any investigation may include a review of activities on social media.

3.0 Business Use (On Behalf of the Council)

3.1 Setting up New Social Media

3.1.1 Employees who wish to set-up new social media profiles, pages or networking sites on work related projects or issues, must seek authorisation from the Communications Team. The Council must have an oversight of all social media channels the Council is using. The Council must also ensure that there are adequate levels of governance over social media.

3.2 Posting on Social Media for Work Use

3.2.1 The Officer Code of Conduct sets out the standards of conduct required of Council employees. These standards apply equally to conversations undertaken through the use of online media as they do to face-to-face conversations. Employees should familiarise themselves with the requirements of the Officer Code of Conduct.

3.2.2 Social media is used by a number of customer groups. When working with children employees must ensure that they establish safe and responsible online behaviours. This means working to the Council's Safe Guarding Children Policy.

3.2.3 Only employees who have been trained in using social media are permitted to post content to the Council's own social media channels or post content to other people's social networks on behalf of the Council. If employees want to join a conversation they must do this through the Communications Team.

3.3 Social Media Connections

3.3.1 The Council may choose to 'follow', 'like' or otherwise establish connections with other organisations and individuals using social media. This enables the Council to maintain contact with what other social media users are saying and, where appropriate, share their content. Sometimes we also need to establish a connection so that we can engage with users, e.g. via direct messages or posting.

3.3.2 There is no fixed approach on who the Council will have in its network, but as a guide, the audiences identified in the Communication Strategy will be considered as potential connections. Some general guidelines for staff establishing connections are:

- Be aware of connecting with commercial profiles/site; if there is a pre-existing partnership such connections can be beneficial, but employees should avoid giving the impression of endorsement or bias.
- Be aware of connecting to political or politically motivated groups.
- Should a connected organisation or body make public statements (through either social media or any other channel) that are directly contradictory to the council ethos or priorities, employees should carefully consider if they wish to remain connected.
- Should a connected profile/page/site become a platform for conflict or abusive argument, employees should carefully consider if they wish to remain connected.

3.4 Social Media and Recruitment

3.4.1 Unless it is in relation to finding candidates, (for example, if an individual has put their details on social media websites for the purpose of attracting prospective employers), Managers should only conduct searches, either themselves or through a third party, on social media when these are directly relevant to the applicants skills or claims that they have made in the recruitment process.

For example:

- A prospective employee may claim that they have used social media in their previous job (for example as a publicity tool); or
- A prospective employee’s social media use may be directly relevant to a claim made in their application (for example, if they run a blog based around a skill in which they claim to be proficient).

3.4.2 Social networking sites may be used by Human Resources to advertise vacancies in appropriate circumstances.

4.0 Legal Considerations and Compliance

4.1 Legal Framework

4.1.1 Any form of communication has the possibility of being misunderstood and social media is no more or no less vulnerable. The following laws apply with online participation of any kind:

- Data Protection Act 1998
- Defamation Act 1996
- Human rights Act 1998
- Equality Act 2010
- Copyright, Designs and Patents Act 1988
- Regulatory and investigatory Powers Act 2000
- Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000

4.2 Data Protection

4.2.1 People post information on social media about all sorts of things, including, for instance, political opinions. In many cases, their username, their biographical details or their link to their website makes their offline identity traceable.

4.2.2 The DPA allows employees to process personal data as an individual if it is for purely domestic purposes. This is to allow employees to keep an address book or similar. If employees are engaging in social networking for work purposes, or for research, careful consideration of the DPA is required. The Council's Information Manager must be notified of Social Media in use and its purpose, in case the use must be included within the Council's notification to the Information Commissioner.

For example:

- Referring to someone as, for instance, @JoeBloggs identifies him or her as an individual. Mentioning someone in a Tweet means employees are transferring personally identifiable information out of the European Union if the social media site is hosted outside it,
- Using a Twitter client, which will keep a subset of people employees follow on their computer, may contravene the DPA, especially if their tweets (or others' tweets about them) mention sensitive information and if they have set their Tweets to be protected.
- Creating a 'mashup' of Tweets to demonstrate a point may be an issue.

As a result:

- Do not publish the personal data of individuals.
- Do not re-publish the personal data of individuals even when they have chosen to publish it.
- See advice before analysing or using any posts on social media as this may be regarded and need consideration under the processing of personal data.

See the Council’s Data Protection Policy and Information Security Policy for further guidance.

4.3 Libel

- 4.3.1 Employees should not publish an untrue statement about a person that is damaging to their reputation or allow someone else to publish something libellous on the Council’s website or social media platforms – if employees see such a statement they must take prompt action to remove it by contacting the Communications Team.

4.4 Copyright

- 4.4.1 Placing images or text on any East Herts website from a copyrighted source (for example extracts from publications or photos) breaches copyright. Employees should avoid publishing anything they are unsure about, or seek permission in advance.

4.5 Bias and Pre-determination

- 4.5.1 Employees should avoid publishing anything that might suggest they do not have an open mind about a matter/decision they may be involved in determining. For example if employees are involved in determining planning or licensing applications or other decisions, the decision runs the risk of being invalidated.

4.6 Obscene material

- 4.6.1 Publishing anything that people would consider obscene is a criminal offence.

5.0 Policy Review and Amendment

- 5.1 This Policy will be reviewed within two years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

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Social Media Principles

It is part of East Herts Council’s Communication Strategy to engage effectively with social media. We have both an opportunity and a responsibility to manage and protect the council’s reputation online and to selectively participate and engage in the online conversations that mention us on a daily basis.

Our Communication Strategy encourages officers and councillors to participate appropriately in social media and has created an official presence on many social media platforms. These principles exist to empower officers and councillors to participate in online communities.

Eight Expectations for PROFESSIONAL online activities
Speaking ‘on behalf of’ East Herts Council

- **Attend training:** All employees who wish to represent East Herts Council online must complete the Social Media Certification Training prior to doing so.
- **Follow our performance, conduct and behaviour policies:** The Officers’ Code of Conduct sets out the standards that all employees should maintain in the workplace, and this includes online work. Be respectful, how you act online affects the reputation of you, your colleagues and the Council.
- **Identify yourself as a representative of East Herts Council:** at the outset, you must state your name and the service you are representing. It is never acceptable to use aliases.
- **Monitor your relevant social media channels:** Make sure that you know what is under discussion, so you can respond when needed.
- **Keep records:** Online conversations are often short-lived and instant and therefore it is vital that that we keep records of our interactions. Remember that online statements could be to the same legal standards as traditional media communications.
- **If in doubt, do not post.** Online spokespeople must ensure that posts are accurate and do not contain non-public information concerning East Herts. When in doubt, do not post; instead contact the Communications Team for further guidance.
- **Respect copyrights:** Always gain approval from, and give credit to, the owners of any content you publish online. For example; images, video, text, music and trademarks
- **Protect data:**

Four Expectations for PERSONAL online activities

Speaking ‘about’ East Herts Council

- **Keep an eye out for compliments and criticism:** You are a vital asset for monitoring social media platforms. If you come across positive/ negative comments online about East Herts Council, that you consider important, then forward them to the Communications Team.
- **You are responsible for your actions:** When conversing online follow the Officer’s Code of Conduct. Any action online, which could potentially damage the reputation of East Herts Council, will ultimately be your responsibility. Do not disclose information that is not publicly available. Engage, but use common sense.
- **Be conscious about mixing your personal and business lives:** Online, personal and business lives cross paths. Internal and external corporate contacts, as well as the East Herts community may have access to what you post, even if this was not your intention. Speaking about them in a negative, demeaning or offensive way is not acceptable.
- **Remember data protection guidelines!!!**

Reputation Management

There are particular rules of engagement to consider for crisis response situations. For example, deleting a post or blocking a user may escalate the issue, rather than resolve it. If you become aware of a comment, post or content that is inappropriate or poses a risk to East Herts Council’s reputation please bring it to the attention of the Communications Team.

Social media is continuously evolving and therefore these principles will be updated alongside the annual review of the Communication Strategy.

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EAST HERTS COUNCIL

LOCAL JOINT PANEL 5 DECEMBER 2012

HUMAN RESOURCES COMMITTEE 16 JANUARY 2013

REPORT BY HEAD OF PEOPLE, ICT AND PROPERTY SERVICES

DISCLOSURE AND BARRING SERVICE POLICY REVIEW

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Managing the Criminal Record Bureau Process renamed as the Disclosure and Barring Service Policy.

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The revised Disclosure and Barring Service Policy is recommended for approval; and
(B)	The Recruitment of Ex-Offenders Policy Statement is recommended for approval.

<u>RECOMMENDATIONS FOR HUAMN RESOURCES COMMITTEE: That</u>	
(A)	The revised Disclosure and Barring Service Policy is approved
(B)	The Recruitment of Ex-Offenders Policy Statement is approved

1.0 Background

1.1 The Council's Managing the Criminal Record Bureau Process was last reviewed in 2007. The Council's programme of policy

review is after two years or sooner in line with legislation and best practice.

- 1.2 The Council uses the services of the Criminal Records Bureau (CRB) to carry out disclosures on its behalf. On the 1 December 2012 the CRB and ISA are merging to become the Disclosure and Barring Service (DBS). A review of the policy was required to ensure it encompassed the changes and best practice.

2.0 Report

2.1 **Key changes**

- 2.2 The policy has been revised to ensure that the authority's arrangements comply with the new identification checking guidelines produced for the Disclosure and Barring Service.
- 2.3 The policy and guidelines have been drawn up in accordance with the Disclosure and Barring Services' codes of practice and the Protection of Freedoms Act 2012.
- 2.4 East Herts disposal and retention process has been updated to ensure compliance with the codes of practice. East Herts will not keep Disclosure information for any longer than is necessary and all DBS paperwork will be shredded. In very exceptional circumstances, if it is considered necessary to keep, disclosure information will be kept up to 6 months, unless there is a dispute.
- 2.5 A Recruitment of Ex-Offenders Policy Statement has been written to ensure the Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly by not discriminating on the basis of a conviction or other information revealed.
- 2.5 The revised policy can be found at Essential Reference Paper 'B' and the new Recruitment of Ex-Offenders Policy Statement within the policy (appendix A).

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Emma Freeman – Head of People, ICT and
Property Services
01992 531 635
Emma.Freeman@eastherts.gov.uk

Report Author: Helen Farrell – Human Resources Officer
Helen.farrell@eastherts.gov.uk

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Disclosure and Barring Service Policy – LJP 5 December 2012

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	Consultation has been carried out with Unison and Heads of Service and CMT
Legal:	As detailed in the report
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	None

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East Herts Council

Managing the Disclosure and Barring Service (DBS) Process

Policy Statement

Policy Statement No 28 (Issue No 2) January 2013

**This replaces the Managing the Criminal Record Bureau
Process Policy No 28 (Issue No 1) September 2007**

Contents

1.0	Introduction	3
2.0	Aims and scope of the policy	3
3.0	Levels of Disclosure	3
4.0	Legal Duties	4
5.0	Application	5
6.0	Volunteers/Contractors/Partnerships/Other Organisations	6
7.0	Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure information	7
8.0	General Principles	9
9.0	Usage	9
10	Role of Human Resources	9
11.0	Sources of information and advice	10
12.0	Policy review and amendment	10

Appendix A – Recruitment of Ex-Offenders Policy Statement

Appendix B – Eligible Positions Guide – September 2012

1.0 Introduction

- 1.1 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 specifies positions, professions, offices, employment, works, activities and licences that are eligible for Disclosure and Barring check (DBS). The eligibility guidance is attached to this policy or can be viewed on www.homeoffice.gov.uk/crb.
- 1.2 The Council uses the services of the Disclosure and Barring Service (DBS) to carry out disclosures on its behalf. On the 1 December 2012 the CRB and ISA merged to become the Disclosure and Barring Service.
- 1.3 Employees will have to complete a DBC disclosure if their post is identified as requiring one under the eligibility guidance.
- 1.4 Organisations should not insist that a DBS check forms part of a recruitment exercise or bid when tendering for contracts, unless the services provided meet the criteria for an eligible DBC check as defined by the exceptions, as this would breach employment law.

2.0 Aims and Scope of the Policy

- 2.1 East Herts Council aims to ensure that its DBS arrangements comply with the identification checking guidelines produced by the DBS.
- 2.2 The Policy and guidelines have been drawn up in accordance with the Disclosure and Barring Services' codes of practice and the Protection of Freedoms Act 2012.

3.0 Levels of Disclosure

- 3.1 The DBS has three levels of Disclosure:

Standard checks – To be eligible for a Standard level DBS check the position **must** be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

Enhanced checks – To be eligible for an Enhanced level DBS check, the position **must** be included in both the ROA Exceptions Order **and** in Police Act Regulations.

Enhanced checks with Children’s and/or Adults’ Barred list check(s) – To be eligible to request a check of the Children’s or Adults’ Barred lists, the position must meet the new definition of Regulated Activity. There are a small number of other positions for which we can also request list checks.

- 3.2 Disclosures cannot be obtained by members of the public and are only available to organisation for those professions, offices, employments, work and occupations listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974.
- 3.3 To view the eligibility guidance click on www.homeoffice.gov.uk/crb, the guidance contains links in the table which enables access to the relevant legislative definitions or refer to Appendix B Eligible positions guide.

4.0 Legal Duties

4.1 Rehabilitation of Offenders Act 1974

- 4.1.1 It is a requirement of the DSB that all registered bodies treat DBR applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed.
- 4.1.2 East Herts is committed to equality and the authorities Recruitment of Ex-Offenders Policy Statement is an appendix to this policy.

5.0 Application

5.1 Disclosure and Barring Service – Disclosure Process

- 5.1.1 Where a Disclosure forms part of the recruitment process, we encourage all successful applicants to complete a DBS form and bring in their identification documents as soon as possible. Once their documents have been verified their DBS form can be processed.
- 5.1.2 A DBS check is only requested after a Job Description has been reviewed; and the review indicates that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment details will contain a statement that a DBS check will be requested in the event of the individual being offered the position. The DBS will only provide information on ‘unspent’ convictions as defined in the Rehabilitation of Offenders Act 1974, unless the nature of the position requires the Council to ask questions about an employee’s entire criminal record. The Council will be led by the eligibility guidance.
- 5.1.3 The Council will ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. This discussion will be led by the Chair of the Interview Panel and Human Resources. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment; advice will be sought from the DBS.
- 5.1.3 We make every subject of a DBS check aware of the existence of the DBS Code of Practice and can make a copy available on request. We will undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
- 5.1.5 Having a criminal record will not necessarily bar a person from working with the Council. It will depend on the nature of the position and the circumstances and background of the offence.

5.1.6 We do not accept DBS's obtained from other organisations, DBS's are not portable and the DBS does not endorse portability.

6.0 Volunteers/Contractors/Partnerships/Other Organisations

6.1 As a registered body East Herts Council is not permitted to carry out a disclosure for any external agencies or organisations. The following exceptions apply:

- **Volunteers**

East Herts may process a disclosure request on behalf of **unpaid** volunteers who may be engaged in partnership with the Council and are not in receipt of payment for their services. For the purpose of this policy **unpaid** means, not receiving a wage/salary from the Council or external agency or submitting invoices for payment in relation to time working with or for the Council. The Council may not carry out a disclosure for any volunteer in receipt of payment.

- **Licensed Private Hire, Hackney Carriage Vehicles**

The Community Safety and licensing team are responsible for administering the disclosure process for the purposes of licensing private hire and hackney carriage vehicle drivers.

- **Contractors / Partnership Arrangements**

Where contractors or agencies require clearance, the Contractor is responsible for providing the Disclosure. It is then the responsibility of the employing or commissioning service to check the disclosures before a contractor starts work.

Prior to entering a contractual or partnership arrangement the council may seek

1. Written assurance that staff employed by contractors/partnership and other bodies etc that where appropriate a disclosure has been undertaken
2. Copies of Policies and arrangements

The Council may not request individual’s details or copies of disclosures as this constitutes a breach of confidentiality

7.0 Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure information

7.1 As a Registered Body the Council complies by the DBS Code of Practice and follows their guidelines regarding the correct handling and safekeeping of Disclosure information.

The Council agrees to:

- Store Disclosure information securely;
- Retain Disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where DBS agreement is secured;
- Ensure that no reproductions of the Disclosure or its content are made, including photocopies or scanned images, unless with the prior agreement of the DBS or as a result of a stipulated requirement relating to the e-channel service;
- Only share Disclosure information with relevant persons in the course of their specific duties relevant to recruitment and vetting processes;
- Dispose of Disclosure information in a secure manner;
- Ensure that Additional Information, including information as to its existence, is not revealed to the Disclosure applicant and is disposed of in the appropriate manner and at the appropriate time;
- Ensure that they comply with DBS guidance on the portability of Disclosures and their contents.

7.2 Disposal and Retention

7.2.1 The Council does not retain any Disclosure information in paper form; only the relevant information is subtracted and the Disclosure shredded once the following details have been captured:

- Disclosure number
- Type of disclosure
- Date of Disclosure

7.2.2 East Herts keeps an DBS Electronic Register which records the:

- Date of a Disclosure
- Name of the employee
- Type of Disclosure requested
- The position for which the Disclosure was requested
- The unique reference number of the Disclosure
- East Herts renewal date, every three years

7.2.3 East Herts will not keep Disclosure information for any longer than is necessary. All DBS paperwork is shredded. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information, we will consult the employee and DBS giving full consideration to the data protection and human rights of the individual before doing so this information would not be held for longer than 6 months unless there is a dispute.

7.3 Handling

7.3.1 In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. Line Manager’s are informed by email when a DBS clearance has been returned. No other information is shared.

7.4 Renewal

7.4.1 The DBS does not recommend a specific renewal interval for DBS checks but the Council requires all employees occupying eligible posts to renew their Disclosure every three years. Human Resources will advise line managers when the Disclosure is due for renewal using the information recorded on East Herts DBS Electronic Register.

8.0 General principles

- 8.1 As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, East Herts Council complies fully with the DBS Code of Practice, the Protection of Freedoms Act 2012, Data Protection Act 1988 and other relevant legislation.

9.0 Usage

- 9.1 Disclosure information is only used for the specific purpose for which it was requested, for which the applicant’s full consent has been given.
- 9.2 Any disclosure carried out where it is not required or appropriate is deemed as an illegal search and may result in the Council being subject to financial penalties or loss of registered body status. Human Resources will assess all applications and shall contact the requesting line manager to discuss the application if the search could be deemed illegal.

10.0 Role of Human Resources

- 10.1 The Human Resources Officer is the lead signatory for East Herts and has overall responsibility for the execution of the disclosure process and for signing new counter signatory applications. The lead signatory is also responsible for the scrutiny of applications and managing the DBS Electronic Register.
- 10.2 The Licensing Officers are responsible for managing the CRB disclosure process for the purposes of licensing hackney carriage or private hire vehicle drivers.
- 10.3 All disclosure applications with regard to recruitment of posts must be signed by the Human Resources Officer.

11.0 Sources of Information and Advice

Further advice may be obtained from the Criminal Records Bureau website at: www.homeoffice.gov.uk/agencies-public-bodies/crb/

12.0 Policy Review and Amendment

This Policy shall be reviewed after two years or sooner in line with legislation and best practice to reflect the best possible level of support and management



East Herts Council

Recruitment of Ex-Offenders

Policy Statement

Policy Statement No 44 (Issue No 1) January 2013

Contents

1.0	Introduction	3
2.0	Recruitment Process	3
3.0	Training and Important Information	4
4.0	Policy Review and Amendment	4

1.0 Introduction

- 1.1 As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, The Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- 1.2 The Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- 1.3 This written statement on the recruitment of ex-offenders will be made available to all DBS applicants at the outset of the recruitment process.

2.0 Recruitment Process

- 2.1 The Council actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. The Council select all candidates for interview based on their skills, qualifications and experience.
- 2.2 A DBS check is only requested after a review of the Job Description; where the review indicates that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment details will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- 2.3 Where a DBS check is to form part of the recruitment process, the Council encourages all applicants called for interview to provide details of their criminal record. This information should be provided on the monitoring form and the Council guarantee that this information will only be seen by Manpower and Human Resources.

- 2.4 Unless the nature of the position allows the Council to ask questions about applicant's entire criminal record, the Council will only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

3.0 Training and Important Information

- 3.1 The Council ensures that all those involved in the appropriate recruitment stages have been suitably trained to identify and assess the relevance and circumstances of offences. The Council provides staff with the appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- 3.2 The Council will ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. This discussion will be lead by the Chair of the Interview Panel and Human Resources. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment, advice will be sort from the DBS.
- 3.3 The Council makes every subject of a DBS aware of the existence of the DBS Code of Practice and can make a copy available on request.
- 3.4 The Council undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

4.0 Policy Review and Amendment

- 4.1 This Policy shall be reviewed after two years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

CRB checks: eligibility guidance

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act.

Your Legal Responsibility

Before an organisation considers asking a person to make an application for a CRB check, they are legally responsible for ensuring that they are entitled to ask that person to reveal their conviction history.

The information below includes the latest amendments introduced as a result of the Protection of Freedoms Act 2012 and describes occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974. This is not an exhaustive list as some roles included in the list of exceptions obtain conviction information via other means.

The Ministry of Justice has stated that organisations should not insist that a CRB check forms part of a recruitment exercise or bid when tendering for contracts, unless the services provided meet the criteria for an eligible CRB check as defined by the exceptions, as this would breach employment law.

Please click on the links provided in the table to access the relevant legislative definitions. These will help to inform your decision making.

Standard checks – To be eligible for a Standard level CRB check the position **must** be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

Enhanced checks – To be eligible for an Enhanced level CRB check, the position **must** be included in both the ROA Exceptions Order **and** in Police Act Regulations.

Enhanced checks with Children's and/or Adults' Barred list check(s) – To be eligible to request a check of the Children's or Adults' Barred lists, the position must meet the new definition of Regulated Activity. There are a small number of other positions for which you can also request list checks.

Using the reference numbers

The reference numbers in the tables below are used by CRB as a reference point only for dealing with enquiries about CRB check eligibility. If you are contacted to confirm eligibility for a position you must provide full details of the job role and explain how the relevant legislation supports the application for a CRB check. It is not sufficient to provide a reference number without supporting evidence.

Please note, as a result of Protection of Freedoms Act 2012 the reference numbers have changed significantly

Where to find further guidance

If you are unsure about whether a position is eligible for a CRB check you should refer to any guidance provided for the job sector, consider obtaining legal advice on the requirements to obtain criminal records checks. You can also contact the CRB for further advice via email at customerservices@crb.gsi.gov.uk; please include the job specification and the roles and duties of the position.

Positions eligible for CRB checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Any work which is currently defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006.	01(a)
Any work which was defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006 before the coming into force of section 64 of the Protection of Freedoms Act 2012 on 10 th September 2012.	01(b)
Any work which is currently defined as regulated activity relating to adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act 2006.	02(a)
Any work which was defined as regulated activity relating to vulnerable adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act before the coming into force of sections 65 and 66 of the Protection of Freedoms Act 2012 on 10 th September 2012.	02(b)
Any office or employment which is concerned with: a) the provision of care services to vulnerable adults. b) the representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment; and which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of such services.	03
Any work in a regulated position within the meaning of Part 2 of the Criminal Justice & Court Services Act 2000. This does not include those working with 16/17 year olds on work experience.	04
Any work in a further education institution or 16 to 19 Academy where the normal duties of that work involve regular contact with children.	05
Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children.	06
Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of vulnerable adults within the meaning of section 59 of the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 65 of the Protection of Freedoms Act 2012.	07

Professions eligible for CRB checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Healthcare Professional – A person who is regulated by a body mentioned in subsection (3) of section 25 of the National Health Service Reform and Health Care Professions Act 2002.	08
Barrister (in England and Wales), solicitor.	09
Chartered accountant, certified accountant.	10
Veterinary surgeon	11
Actuary	12
Registered foreign lawyer	13
Legal executive	14
Receiver appointed by the Court of Protection	15

Offices, employments and works eligible for CRB checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
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Offices, employments and works eligible for CRB checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
Judicial appointment	16
The Director of Public Prosecutions and any office or employment in the Crown Prosecution Service.	17
Designated officers for: <ul style="list-style-type: none"> • magistrates' courts • justices of the peace • local justice areas • justices' clerks • assistants to justices' clerks 	18
Clerks (including deputy and assistant clerks) and officers of the High Court of Justiciary, the Court of Session and the district court, Sheriff's clerks (including sheriff's clerks' deputy) and their clerks and assistants.	19
Police constables or persons appointed as police cadets and persons employed for the purposes of assisting constables of a Police Force established under any enactment; naval, military and air force police.	20
Any employment within the precincts of: <ul style="list-style-type: none"> • a prison • a remand centre • a removal centre • a short term holding facility • a detention centre • a Borstal institution • a young offenders institution • members of boards of visitors (England & Wales) 	21
Traffic wardens	23
Probation officers	24
Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties.	25
Financial Services position – This means all positions for which the Financial Services Authority or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000.	26
Those working within an Authorised Payment Institution as: <ul style="list-style-type: none"> • Directors and managers • Holders of qualifying holdings • Controllers of the Authorised Payment Institution 	27
Any occupation which is: <ul style="list-style-type: none"> • concerned with the management of a place in respect of which the approval of the Secretary of State is required by section 1 of the Abortion Act 1967; or, • carrying on a nursing home in England and Wales in respect of which registration is required by Section 187 of the Public Health Act 1936 or Section 14 of the Mental Health Act. 	28
Any employment in the Royal Society for the Prevention of Cruelty to Animals (the RSPCA)	29

Offices, employments and works eligible for CRB checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
where the person employed or working, as part of his duties, may carry out humane killing of animals.	
Any office or employment in the Serious Fraud Office.	30
Any office or employment in the Serious Organised Crime Agency (SOCA).	31
<ul style="list-style-type: none"> • The Commissioners for Her Majesty’s Revenue and Customs and any office or employment in their services • The Director and any office or employment in the Revenue and Customs Prosecutions Office 	32
Any employment which is concerned with the monitoring, for the purposes of child protection, of communications by means of the internet.	33
An individual designated under section 2 of the Traffic Management Act 2004.	34
<p>Court Positions:</p> <ul style="list-style-type: none"> • Judges’ clerks, secretaries and legal secretaries within the meaning of section 98 of the Supreme Court Act 1981(c) • Court officers and court contractors who, in the course of their work, have face to face contact with judges of the Supreme Court, or access to such judges’ lodgings • Persons who in the course of their work have regular access to personal information relating to an identified or identifiable member of the judiciary • Court officers and court contractors who, in the course of their work, attend either the Royal Courts of Justice or the Central Criminal Court • Court security officers and tribunal security officers • Court contractors who, in the course of their work, have unsupervised access to court-houses, offices and other accommodation used in relation to the courts • Contractors, sub-contractors, and any person acting under the authority of such a contractor or sub-contractor, who, in the course of their work, have unsupervised access to tribunal buildings, offices and other accommodation used in relation to tribunals <p>The following persons:</p> <ol style="list-style-type: none"> a) Court officers who execute county court warrants b) High Court enforcement officers c) Sheriffs and under-sheriffs d) Tipstaffs e) Any other persons who execute High Court writs or warrants who act under the authority of a person listed at (a) to (d) f) Persons who execute writs of sequestration g) Civilian enforcement officers as defined in section 125A of the Magistrates’ Courts Act 1980 h) Persons who are authorised to execute warrants under section 125B (1) of the Magistrates’ Courts Act 1980, and any other person (other than a constable) who is authorised to execute a warrant under section 125 (2) of the 1980 Act i) Persons who execute clamping orders, as defined in paragraph 38(2) of Schedule 5 of the Courts Act 2003(d) <ul style="list-style-type: none"> • the Official Solicitor and his deputy • Persons appointed to the office of Public Trustee or deputy Public Trustee, and officers 	35

Offices, employments and works eligible for CRB checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
<p>of the Public Trustee</p> <ul style="list-style-type: none"> • Court officers and court contractors who exercise functions in connection with the administration and management of funds in court, including the deposit, payment, delivery and transfer in, into and out of any court of funds in court, and regulating the evidence of such deposit, payment, delivery or transfer, and court officers and court contractors who receive payment in pursuance of a conviction or order of a magistrates' court 	
<p>People working in the Department for Education or the Office for Standards in Education, Children's Services and Skills (Ofsted) with access to sensitive or personal information about children.</p>	36
<p>A regulated immigration adviser who provides immigration advice or immigration services under Section 82(1) of the Immigration & Asylum Act 1999(a). This also applies to persons who can act on behalf of and under the supervision of such a registered person.</p>	37
<p>Staff working within the Office of the Public Guardian with access to data relating to children and vulnerable adults</p>	38
<p>The Commissioners for the Gambling Commission and any office or employment in their service.</p>	39

Other activities eligible for CRB checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
<p>A person living at the premises where a childminding or day care service is provided or who regularly works on the premises at a time when the childminding takes place</p>	40
<p>A person living in the same household as a person whose suitability is being assessed for a position working with children and who lives on the same premises where their work with children would normally take place</p>	41
<p>Any employment or other work where the normal duties</p> <ol style="list-style-type: none"> involve caring for, training, supervising, or being solely in charge of persons aged under 18 serving in the naval, military or air forces of the crown; or include supervising or managing a person employed or working in a capacity referred to in paragraph (a). 	42
<p>For adoption purposes</p>	43
<p>For foster caring purposes</p>	44
<p>Individuals seeking authorisation from the Secretary Of State for the Home Department to become authorised search officers.</p>	45
<p>For the award of public works contracts, public supply contracts and public service contracts in accordance with Directive 2004/17/EC and 2004/18/EC of the European Parliament and of the Council of March 2004(a).</p>	46
<p>Football Stewards, supervisors or managers of football stewards.</p>	47
<p>Approved Legal Services Body Manager</p>	48
<p>Those working for Alternative Business Structures as:</p> <ul style="list-style-type: none"> • Head of Finance and Administration of a licensed body approved under schedule 11 of the Legal Services Act 2007 • Head of Legal Practice of a licensed body approved under schedule 11 of the Legal Services Act 2007 	49

Other activities eligible for CRB checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
<ul style="list-style-type: none"> Owners of a licensed body approved under schedule 13 of the Legal Services Act 2007 	
The Commissioner for Older People in Wales, his deputy and any people appointed by the Commissioner, to assist him in the discharge of his functions or authorised to discharge his functions on his behalf.	50
Any employment or other work which is normally carried out in premises approved under section 9 of the Criminal Justice and Court Services Act 2000.	51
Any person who has applied to be granted membership of the Master Locksmiths Association.	52
For National Lottery licensing purposes	53

Licences eligible for CRB checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
For the purpose of licensing hackney carriages or private hire vehicle drivers (Taxi driver licences).	54
For licences issued under Section 25 of the Children & Young Persons Act 1933 (This relates to persons under the age of 18 travelling abroad for the purpose of performing or being exhibited for profit).	55
For the purpose of licensing under Section 8 of the Private Security Industry Act 2001	56
Any person or body required to obtain or retain a licence under regulation 5 of the Misuse of Drugs Regulations 2001 (a) or under article 3(2) of Regulation 2004/273/EC (b) or under article 6(1) of Regulations 2005/111/EC(c).	57

This document can be made available in a number of other language and formats, please contact the CRB on 0870 90 90 811.

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EAST HERTS COUNCIL

LOCAL JOINT PANEL 5 DECEMBER 2012

HUMAN RESOURCES COMMITTEE 16 JANUARY 2013

REPORT BY HEAD OF PEOPLE, ICT AND PROPERTY SERVICES

OFFICERS' CODE OF CONDUCT

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Officers' Code of Conduct.

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The revised Officers' Code of Conduct is recommended for approval.
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE: That:</u>	
(A)	The revised Officers' Code of Conduct be approved

1.0 Background

1.1 The Council's Officers' Code of Conduct was last reviewed in 2007. The Council's programme of policy review is after two years or sooner in line with legislation and best practice.

2.0 Report

2.1 **Key changes**

2.2 The Officers' Code of Conduct has been updated to reflect the modern workplace, for example there are new sections on social media, the use of IT facilities and the use of mobile phones.

- 2.3 Advice has been sought from the Manager of Corporate Risk, the Procurement Officer and the Monitoring Officer and the sections on procurement, gifts and hospitality and sponsorship have been updated to ensure they are accurate and in line with current policies and regulations including data protection.
- 2.4 The revised Officers' Code of Conduct can be found at **Essential Reference Paper 'B'**.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Emma Freeman – Head of People, ICT and Property Services
01992 531 635
Emma.Freeman@eastherts.gov.uk

Report Author: Emma Freeman – Head of People, ICT and Property Services
01992 531 635
Emma.Freeman@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	UNISON and Heads of Service have been consulted with and their feedback has been incorporated.
Legal:	The Monitoring Officer has been consulted on the revised Code of Conduct.
Financial:	None
Human Resource:	As detailed in the report
Risk Management:	Corporate Risk and Procurement have been consulted on the revised Code of Conduct.

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East Herts Council

Officer's Code of Conduct

Policy Statement

**Policy Statement No 14 (Issue No 2)
January 2013**

Contents

1.0	Introduction	4
2.0	Standards and behaviour	4
3.0	Working within the law	5
4.0	Communications	6
5.0	Disclosure of information	6
6.0	Social media	7
7.0	IT Facilities	7
8.0	Mobile telephone and smart phone usage	7
9.0	Intellectual property rights, copyright etc	8
10.0	Health and Safety	8
11.0	Political neutrality	9
12.0	Relationships	9
13.0	Employment matters	10
14.0	Outside commitments	10
15.0	Personal interests	11
16.0	Equality issues	11
17.0	Tendering issues	11
18.0	Corruption	12
19.0	Use of financial resources	12
20.0	Gifts and hospitality	13
21.0	Sponsorship – giving and receiving	14

22.0	Standards of dress	15
23.0	Policy review and amendment	15

CODE OF CONDUCT

Policy Statement No 14 (Issue No 2) January 2013

1.0 Introduction

1.1 The public are entitled to expect the highest standards of conduct from all Council employees. This code incorporates points from existing laws, regulations and conditions of service for the guidance of all staff. The aim of the code is to help maintain and improve standards and protect employees from misunderstanding or criticism; it must be read and followed by all employees. This code is complementary to the Council’s policies and procedures, which give fuller details on some items. All of the Council’s policies and procedures can be accessed via the Intranet.

1.2 This code applies to all staff including those professionally qualified staff who may be subject to codes of conduct or ethics imposed by their own professional bodies. In the unlikely event of a conflict arising between this code and an external code or requirement then the officer concerned must refer the issue to the Monitoring Officer for guidance.

2.0 Standards and behaviour

2.1 Council employees are expected to give the highest possible standard of service to the public, customers and provide appropriate advice and information to Councillors and fellow employees. These standards apply equally to all interactions, whether they are face-to-face or undertaken through the use of online media.

2.2 The Council’s Dignity at Work statement sets out the behaviours expected of staff when dealing with each other and members of the public. These are detailed below.

- We need to listen to, value and respect each other as individuals with a contribution to make to ensure that East Herts Council achieves its aims.
- Everyone is different and has something unique to offer. East Herts wants to respect and understand these differences and to make the most of everyone’s talents.

- The Council’s Corporate Management Team and managers at all levels will demonstrate their commitment to promoting equality and diversity.
 - All staff have a personal responsibility to treat everyone with respect, consideration and without prejudice and to promote the same levels of behaviour in colleagues.
- 2.3 Employees are expected to report any deficiency in the provision of service to the appropriate manager. They must report any impropriety or breach of rules or procedure to the manager concerned. Concerns about another employee can be raised through the Disclosure (Whistleblowing) Code. Any disclosure raising suspicion of wrong-doing by a Member of the Council could result in being dealt with as a breach of the Members’ Code of Conduct.

3.0 Working within the law

- 3.1 It is very important that the Council and all staff work within the law. In order for Council decisions and actions to be held to be reasonable in law, the Council must carry out its business in a way that is rational, proper and fair. Unlawful behaviour at, or even away from work could result in a loss of trust and confidence in the employee or the Council.
- 3.2 It is important that employees uphold the law at work, and it is important that staff do not break a law away from work which could damage public confidence in them or the council, or makes them unsuitable for the work they do. This includes, for example:
- submitting false or fraudulent claims to the Council or other public bodies (e.g. income support, housing or other benefit claims)
 - breaching copyright on computer software
 - crimes of dishonesty which might make an employee unfit to hold a position of trust
 - accepting a bribe

- 3.3 If employees are charged with or convicted of a crime which may affect their job they must inform their line manager or Human Resources immediately.

4.0 Communication

- 4.1 The way we communicate is key to helping us achieve the Council’s vision and priorities. The Council’s Communication Strategy sets out a framework to enhance and protect the reputation of East Herts by proactively and systematically providing clear, co-ordinated and effective communication and engagement. The strategy is also designed to complement the council’s engagement with its communities and stakeholders by communicating through partnerships and networks of influence.

5.0 Disclosure of information

- 5.1 The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. Managers will advise their staff what information should be given and what is confidential. Personal information is generally considered to be confidential and anyone in doubt should check with their manager prior to providing information to contacts.
- 5.2 Employees should not use any information, obtained in the course of their employment, for personal gain or benefit, nor should they pass it to others who might use it in such a way. Any personal information from a Councillor should not be divulged without the Councillor’s approval, except where required by law.
- 5.3 Employees must not communicate confidential information or documents to others who do not have a legitimate right to know.
- 5.4 Where information is disclosed, this must be done in accordance with the requirements of the Data Protection Act 1998 and Freedom of Information Act 2000.

6.0 Social media

6.1 Employees should exercise caution when using personal social networking websites and must not:

- Comment on the work of the Council such that it brings the authority into disrepute.
- Comment on other members of staff or Members of the Council.
- Conduct yourself in a way that brings the authority into disrepute.
- Allow your interactions to damage working relationships between members of staff, Members and any of the Councils’ residents, clients or customers.

Please see the Social Media Policy for further information.

7.0 IT facilities

7.1 The Council’s IT systems are essential for the successful operation of Council business. Employees must read the IT User Policy so that they understand how to use the IT systems effectively.

7.2 Please note that the use of the Internet, Email and other systems will be monitored in accordance with IT policies and if appropriate disciplinary action may be taken in accordance with the Council’s Disciplinary Policy if misused.

8.0 Mobile telephone and smartphone usage (including SMS, instant messaging etc)

8.1 Mobile telephones may be used for private purposes during working hours, if kept on silent or vibrating alert. Such use must be reasonable and kept to a minimum e.g. in the case of an emergency, and should no way interfere with the employee’s work.

9.0 Intellectual property rights, copyright etc

- 9.1 Any inventions, writings or drawings created in the course of an employee’s normal duties are considered the ‘intellectual property’ of the Council and should not be passed on to another party without the permission of the employee’s manager.
- 9.2 Employees must not infringe copyright. Downloading, copying and/or distribution of copyright material including literature, text, music, sound, pictures, software and electronic files is prohibited unless the employee has the correct licences or permissions.

10.0 Health and Safety

- 10.1 The Council accepts and will meet any statutory obligations by making, so far as reasonably practicable, every effort to provide a safe and healthy work environment for all its staff and ensure that all steps are taken to protect the health and safety of its service users. The Council has agreed a number of policies in relation to Health and Safety to which staff should refer. These are:
- Health and Safety Policy
 - Alcohol, Drugs and Substance Misuse Policy
 - Smokefree Workplace Policy
 - Managing Violence and Aggression in the Workplace Policy
- 10.2 All employees have a duty of care to themselves and to others to ensure that they undertake their duties safely and responsibly by:
- following the Council’s Health and Safety policies, procedures and arrangements
 - working in a safe manner so as not to cause harm to themselves or others by their acts or through their omissions
 - reporting all work related accidents in a timely fashion and not assuming that this notification will have been undertaken by another person
 - using all safety clothing and any appropriate equipment provided for their work correctly and reporting any failure or defect of such equipment to their line manager

- attending any medical examination where required under Council Procedures
- informing their manager if they are taking any medication or are undergoing any medical or physical treatment that may harm their ability to do their job safely.
- complying with hygiene and good housekeeping standards practices.

11.0 Political neutrality

11.1 Employees provide services for all Members and must ensure that their individual rights are respected.

11.2 Some employees may be required to advise political groups and must do so in ways which do not compromise their political neutrality.

11.3 Employees must follow lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

11.4 Any political assistants, appointed in accordance with the Local Government and Housing Act 1989, are exempt from the standards set in 11.1 to 11.3 above.

11.5 Employees holding politically restricted posts are disqualified from membership of any local authority other than a Parish or Community Council and from being an MP or MEP. The Council will maintain a list of these posts and advise the postholders concerned.

12.0 Relationships

12.1 Members - Mutual respect and trust between employees and Members is essential. Close personal relationships between employees and Members can damage the working relationship with the Council and therefore should be avoided where possible.

12.2 The Local Community and Service Users - Employees should always remember their responsibilities to the community and

should ensure courteous, efficient and impartial service to all groups and individuals within it.

- 12.3 Contractors - All relationships with external contractors, or potential contractors, should be made known to the appropriate manager.

13.0 Employment matters

- 13.1 Employees involved in appointments should ensure that these are made on the basis of merit and ability of the candidates. Employees should not be involved in an appointment where they are related to or have a close personal relationship outside work with an applicant.

- 13.2 Employees should not be involved in disciplinary or grievance procedures, promotion or pay adjustment for any other employee who is a relative or who they have a close personal relationship with.

- 13.3 Every candidate for any appointment must disclose in writing if they are related to any member or senior officer of the Council. A reference to this disclosure is included in the Application Form for Appointment, which must be completed by anyone applying for a post.

14.0 Outside commitments

- 14.1 The Council recognises that employees' off-duty hours are their personal concern but they should not put themselves in a position where their official role and private interests or activities conflict. Staff should also consider the interests of other authorities that the Council has formal shared service arrangements with.

- 14.2 Employees should not undertake outside work if this would overlap with their official duties or cause a conflict of interest. Officers require annual written consent to take any outside employment, from their Director.

15.0 Personal interests

15.1 Employees must:

- not allow their private interests to conflict with the interests of the authority;
- not use their position to improperly confer an advantage or disadvantage on any person;
- comply with any requirements of the authority to register or declare interests, and
- comply with any requirements of the authority to declare hospitality, benefits or gifts received

16.0 Equality issues

16.1 All employees must comply with the Council’s Diversity and Equalities Policy.

16.2 East Herts Council is firmly committed to providing and promoting equality for all its employees and the wider community. The Council’s Diversity and Equalities Policy aims to ensure equality influences the way we provide services and the employment of staff. To achieve this we will endeavour to create an environment in which there is respect for every individual and recognition that no member of the public, employee, potential employee, service user or Member will be discriminated against irrespective of their gender, race, ethnicity, colour, marital status, disability, age, sexuality, family responsibilities, religion, trade union involvement or political beliefs.

17.0 Tendering issues

17.1 Employees involved in tendering and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Employees must follow the procedures and rules incorporated in the Council’s Financial Regulations, Financial Procedures, and rules/procedures relating to Contracts and procurement requirements. Senior officers who have a client and/or contractor responsibility must be aware of the need for accountability and openness.

- 17.2 Orders and contracts must be awarded on merit, in accordance with the Council’s procurement regulations and demonstrating best value has been achieved. Officers must demonstrate impartiality. No part of the community should be discriminated against.
- 17.3 Employees in client or contractor units must exercise fairness and impartiality when dealing with customers, suppliers, other contractors and sub-contractors.
- 17.4 Employees who have access to confidential information on tenders or costs, for either internal or external contractors, must not disclose that information to any unauthorised party, subject to the Freedom of Information Regulations.
- 17.5 Any employees contemplating a management buy-out should inform their manager as soon as they have formed an intent and withdraw from the contract awarding process.
- 17.6 Employees should ensure that no preferential treatment is shown to current or former employees, or their partners, relatives or assistants, in awarding contracts to businesses run by or employing them in a managerial capacity
- 18.0 Corruption**
- 18.1 Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour or disfavour to anyone in their official capacity. If an allegation is made, the employee would have to demonstrate that any such rewards have not been obtained corruptly.
- 19.0 Use of financial resources**
- 19.1 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 community and behave in a way that minimises a risk of legal challenge to the authority.

19.2 Employees must comply with the Council's Financial Regulations and Procurement Regulations to safeguard assets and the use of financial resources.

19.3 Employees should inform their Director, who will in turn inform the Director of Finance and Support Services, the Head of Paid Service and the appropriate Head of Service of any irregularity or suspected irregularity.

19.4 The Council has an Anti-Fraud and Anti-Corruption Strategy, Disclosure (Whistleblowing) Code and a Policy on Bribery. All staff must familiarise themselves with the contents of these documents.

20.0 Gifts and hospitality

20.1 Employees should not accept significant personal gifts from contractors or suppliers. Small individual tokens of a value not exceeding £20 such as pens, calendars and diaries are acceptable. If there is any doubt, the gift should be politely and tactfully refused. If any significant gift is sent, this should be reported to their Director, who will advise if it may be kept or returned. All gifts and offers of gifts should be recorded in the registers of gifts and hospitality, which are held by the Executive Support Team on behalf of the Corporate Management Team. A copy of the proforma used for registering the acceptance or refusal of gifts and hospitality is available on the Intranet.

20.2 Contract tender documents should prohibit acceptance of gifts.

20.3 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend social, entertainment or sporting functions should be recorded and only be accepted when authorised by their Director and recorded in the register of gifts and hospitality, which is held by the Executive Support Team. In cases of acceptance an estimate of the value together with a reason for acceptance must be recorded.

- 20.4 When gifts or hospitality have to be declined, those making the offer should be courteously informed of the standards operating within the Council.
- 20.5 Acceptance by employees of hospitality at conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal and where the visit has been authorised. Any such hospitality should be recorded. Where visits to inspect equipment or other items are required, employees should ensure the Council meets the cost of the visit to avoid jeopardising the integrity of any purchasing decision.
- 20.6 Employees must not seek or accept discounts or other preferential rates on private purchases of goods or services based on the fact that they are a Council employee. Discounts offered by organisations that have been formally agreed and accepted as part of the Council's employee benefits package are not prohibited. A full list of employee benefits is available on the Intranet.

21.0 Sponsorship - Giving and Receiving

- 21.1 When an outside organisation wishes to sponsor a council event, the basic conventions concerning acceptance of gifts and hospitality apply. Acceptance of any support must come about through a transparent decision making process and the support accepted must be recorded.
- 21.2 Where the Council wishes to sponsor an event or service, no employee, partner or relative must benefit from the sponsorship in a direct way without there being a full disclosure to the appropriate Director of any such interest.
- 21.3 When the Council gives support in the community, through sponsorship, grant aid or other means, employees should ensure that impartial advice is given and there is no conflict of interest involved.

22.0 Standards of dress

- 22.1 The Council considers the way employees dress and their appearance to be of significant importance in portraying a professional image to all users of its services whether Councillors, visitors, residents of the district or colleagues.
- 22.2 All employees are individually responsible for their general presentation, appearance and personal hygiene, and have a responsibility to consider how others may perceive their appearance.
- 22.3 Employees are expected to dress appropriately for the duties of their post and are encouraged to adopt a common sense approach with regard to the clothing and jewellery that they wear to work. All external business meetings and contact with the public will require business dress, while more casual approach is permissible for staff working in the back office environment.

23.0 Policy review and amendment

- 23.1 This Policy shall be reviewed after two years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

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