



MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 19 FEBRUARY 2013
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, Mr S Ellis, 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)

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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. Minutes (Pages 7 - 16)

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

Members will recall that the meetings of the Local Joint Panel scheduled for 19 September and 5 December 2012 were cancelled / postponed.

3. Chairman's Announcements

4. Declarations of Interest

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

5. Reports by Secretary to the Employer's Side

(A) Maternity and Paternity Policy (Pages 17 - 56)

(B) Officers' Code of Conduct (Pages 57 - 76)

(C) Disclosure and Barring Service Policy (Pages 77 - 92)

(D) Social Media Policy (Pages 93 - 110)

6. Reports by Secretary to the Staff Side

7. 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 19 FEBRUARY 2013

HUMAN RESOURCES COMMITTEE 20 MARCH 2013

REPORT BY HEAD OF PEOPLE, ICT AND PROPERTY SERVICES

MATERNITY, PATERNITY AND ADOPTION POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Maternity, Paternity and Adoption Leave Policy.

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The revised Maternity, Paternity and Adoption Leave Policy be supported for approval;
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE: That:</u>	
(A)	The revised Maternity, Paternity and Adoption Leave Policy be approved

1.0 Background

1.1 The Council's Maternity, Paternity and Adoption Leave Policy 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 policy has been updated to reflect various changes in legislation, including those regarding additional paternity leave, adoption leave, accrual of Bank Holidays, KIT days and payment

of childcare vouchers. The section on Parental Leave has also been extended.

- 2.3 Several new appendices are attached to the policy, including a Maternity Timeline, Maternity Leave Checklist and a KIT day claim form.
- 2.4 The policy complies with the provisions in the NJC Green Book, Equality Act 2010, Additional Paternity Leave Regulations 2010 and Additional Paternity Leave (Adoptions from Overseas) Regulations 2010.
- 2.5 Legal advice has been sought regarding the changes to this policy.
- 2.6 The revised Maternity, Paternity and Adoption Leave Policy 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

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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. CMT have approved the revised policy.
Legal:	Legal advice has been sought on the payment of childcare vouchers during maternity leave.
Financial:	None.
Human Resource:	As detailed in the report
Risk Management:	None.

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East Herts Council

Maternity, Paternity & Adoption Leave

Policy Statement

**Policy Statement No 16 (Issue No 2)
March 2013**

Contents

1.0	Introduction	4
2.0	Purpose and Scheme Coverage	4
3.0	Notification of Pregnancy and Maternity Leave	4
4.0	Antenatal Care	5
5.0	Maternity Leave	6
6.0	Maternity Pay	7
7.0	Returning to Work after Maternity Leave	11
8.0	Paternity Leave	11
9.0	Adoption Leave	14
10.0	Keeping in Touch Days	16
11.0	Contractual Relationship During Absence	17
12.0	Impact on Conditions of Service	18
13.0	Flexible Working	22
14.0	Parental Leave	22
15.0	Review	24

GLOSSARY

OML	Ordinary Maternity Leave
AML	Additional Maternity Leave
OMP	Occupational Maternity Pay
SMP	Statutory Maternity Pay
SMA	Statutory Maternity Allowance
EWC	Expected Week of Childbirth (Sunday to Saturday)
EDC	Expected Date of Childbirth
QW	Qualifying Week for the payment of SMP / SAP
MATB1	Maternity Certificate
OPL	Ordinary Paternity leave
APL	Additional Paternity Leave
SPP	Statutory Paternity Pay
ASPP	Additional Statutory Paternity Pay
OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave
SAP	Statutory Adoption Pay
OAP	Occupational Adoption Pay
KIT	Keeping in Touch (KIT) days

1.0 Introduction

- 1.1 This policy complies with all relevant employment legislation and provisions in the NJC Green Book. It reflects recent changes arising from the Equality Act 2010, Additional Paternity Leave Regulations 2010 and Additional Paternity Leave (Adoptions from Overseas) Regulations 2010.

2.0 Purpose and Scheme Coverage

- 2.1 The purpose of this document is to provide staff and managers with information on maternity, paternity, parental and adoption leave entitlement.
- 2.2 This scheme is applicable to all staff employed by East Herts Council. Casual staff may not be eligible for maternity pay, please see section 6.6 for more information.
- 2.3 The Council will endeavour to ensure that an employee does not suffer any detrimental treatment at work whilst exercising their rights to maternity, paternity, parental or adoption leave.

3.0 Notification of Pregnancy and Maternity Leave

- 3.1 Employees are encouraged to tell their manager about their pregnancy as soon as they feel able to, especially if they are feeling unwell or work in an area that may put them at risk.
- 3.2 Employees should also contact the Health and Safety Officer as soon as possible to arrange a work station assessment and maternity risk assessment.
- 3.3 Employees need to notify Human Resources of their pregnancy, the expected week of childbirth and the date they intend to start their maternity leave at least 28 days before their maternity leave begins, or as soon as reasonably practicable, by completing the Maternity Leave

Form (Appendix 1). This should be signed by the employee, their manager and returned to Human Resources. Human Resources will reply within 28 days of notification stating the expected date of return from maternity leave. Please see Appendix 2 for a maternity timeline and Appendix 3 for a maternity leave checklist that employees should complete with their managers.

- 3.4 The original MATB1 should also be forwarded to Human Resources. The MATB1 gives confirmation of the expected date of childbirth. This is usually available from the midwife from 21 weeks of pregnancy. The Council are unable to process maternity pay without the MATB1 form.

4.0 Antenatal Care

- 4.1 Any pregnant employee is entitled to take reasonable paid time off to attend antenatal care appointments. Antenatal appointments are those recommended by a registered medical practitioner, midwife or health visitor. These can include relaxation or parent craft classes as well as medical examinations, if recommended by a medical professional.
- 4.2 Employees must agree their time off arrangements with their manager in advance of the appointments and produce their appointment card where appropriate.
- 4.3 Staff on flexi-time should record time to attend appointments as described in the Flexi-Time Guidance in the section relating to hospital appointments.
- 4.4 Partners do not have a legal right to time off to attend antenatal appointments. The Council encourages managers to allow staff to take time off to attend antenatal appointments with their partners by taking flexi or annual leave. All requests are subject to line manager approval and will need to be considered in the context of what cover is available within the team during that period to ensure that the service provided is not disrupted.

5.0 Maternity Leave

5.1 Length of Maternity Leave

5.1.1 An employee is automatically entitled to a period of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML), regardless of hours of work or length of service, where the appropriate notice has been given. This means an employee can remain on maternity leave for a total period of up to 52 weeks. Employees may receive Statutory Maternity Allowance, Statutory Maternity Pay and/or Occupational Maternity Pay during this period; depending on their eligibility (see section 6 on maternity pay).

5.1.2 Women are required by law to take a minimum of two weeks leave after the birth of the child.

5.2 Conditions applying to Maternity Leave

5.2.1 Maternity leave may start on any day of the week and can commence no earlier than 11 weeks and any time up to the day before the expected date of childbirth (EDC) (except see 5.2.2 below). If the baby is born early (before the planned leave date) the maternity leave will begin from the day after the birth.

5.2.2 An employee who is absent from work due to a pregnancy related reason after the beginning of the fourth week before the expected week of childbirth (EWC) but before the date notified for maternity leave, the maternity leave begins automatically on the day after her first day of absence.

5.2.3 Employees have to be advised that if the baby dies or is still-born after 24 weeks pregnancy, the maternity scheme applies. Where this occurs before 24 weeks (miscarriage) or there is a termination, the needs of the employee and medical opinion will be considered in deciding the appropriate leave (be it sick leave or bereavement leave), according to the circumstances.

6.0 Maternity Pay

6.1 The Council operates two maternity pay schemes:

- Statutory Maternity Pay, which is a legal entitlement to a set weekly payment (providing employees meet the eligibility criteria set out below)
- Occupational Maternity Pay, which is an additional payment made by the Council in accordance with their terms and conditions (eligibility for this payment depends on the criteria set out below).

Depending on the employee's length of service, they may have entitlement under one or both of these schemes.

6.2 Statutory Maternity Pay (SMP)

6.2.1 Eligibility for SMP

6.2.2 Statutory maternity pay is payable for up to 39 weeks during maternity leave. To qualify for SMP, employees must have been continuously employed in local government for at least 26 weeks, at the start of the 15th week before the EDC. This 15th week is known as the qualifying week (QW).

6.2.3 If an employee is not entitled to SMP, Payroll will issue them with a form SMP1, explaining why they are not entitled to SMP and how they can claim State Maternity Allowance (SMA) from the JobCentre Plus. SMA is the same as lower rate SMP or 90% of average weekly earnings, whichever is less.

6.3 Rates of SMP

6.3.1 For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of average weekly earnings calculated over the period of eight weeks up to and including the qualifying week.

6.3.2 The standard rate of SMP is paid for the remaining 33 weeks (or less if they return to work sooner). This is paid

at the lower of either the standard rate set by the Government or 90% of average gross weekly earnings. Standard rate SMP is currently £135.45 per week (correct as at 1 April 2012).

- 6.3.3 Payment of SMP cannot start prior to the 11th week before the EWC. SMP can start from any day of the week in accordance with the date the employee starts their maternity leave.
- 6.3.4 SMP is treated as earnings and is, therefore, subject to PAYE and national insurance deductions.
- 6.3.5 SMP is payable whether or not the employee intends to return to work after maternity leave.

6.4 Occupational Maternity Pay (OMP)

- 6.4.1 To qualify for OMP, employees must have completed at least one year's continuous local government service at the 11th week before the EWC. If an employee has less than one year's continuous local government service at the 15th week before the expected week of childbirth, they will not qualify for OMP, but will still get SMP or SMA as appropriate.
- 6.4.2 If an employee is eligible for OMP, they will receive 12 weeks half pay after the six weeks at 90%, on top of the standard rate SMP (unless half pay plus standard rate SMP exceeds normal pay, see section 6.4.5). The 12 weeks half pay is calculated using the employee's pay at the point of going on maternity leave. OMP can be paid in two ways:
 - Paid as it falls due (i.e. in their regular pay)
 - As a lump sum on their return to work
- 6.4.3 The qualifying week for SMP is the 15th week before the week the baby is due but the qualifying week for OMP is the 11th week before the week the baby is due. If the baby is born early, before or during the qualifying week and the employee would have completed 26 weeks employment

but for the early birth, the continuous service rule for OMP is satisfied.

- 6.4.4 If an employee does not return to work following their maternity leave or leave within 13 weeks of returning to work, they will need to repay their OMP.
- 6.4.5 If half pay plus standard rate SMP would exceed normal pay, the 12 weeks of 50% enhanced pay will be spread over 20 weeks to ensure that the employee is not paid over and above their normal salary whilst on maternity leave. SMP will be paid as normal.

6.5 Summary of Main Benefits

Length of Service	OML	AML	SMP	OMP
Less than 26 weeks at QW	✓	✓	X (may be entitled to SMA)	X (may be entitled to SMA)
At least 26 weeks at QW but less than 1 year at 11 weeks prior to EWC	✓	✓	6 weeks at 90% of pay plus 33 weeks standard rate SMP	X
More than 1 year at 11 weeks before EWC	✓	✓	6 weeks at 90% of pay plus 33 weeks standard rate SMP	12 weeks half pay (unless half pay plus standard rate SMP exceeds normal pay)

6.6 Casual workers

6.6.1 SMP

- 6.6.1.1 Casual workers are eligible for SMP as long as they meet the continuous service and earnings conditions.

Employees are considered to have continuous service as long as they work for at least one day in every week, a week beginning on a Sunday and ending on a Saturday.

6.6.1.2 If there are weeks where a casual worker did not work, this will not break their continuous service if the reason they did not work was one of the following:

- They were unavailable to work because they were off sick
- They were taking annual leave
- The Council did not have any work for them

6.6.1.3 If they did not work for the Council in the 15th week before the week the baby is due for one of these reasons, they will still be able to claim SMP as long as they did further work for the Council after that week.

6.6.1.4 Casual workers who are paid irregularly must find their last pay date before or in the 15th week before the week the baby is due, and count back eight weeks. This is their calculation period.

6.6.1.5 If casual workers do not qualify for SMP, they may be able to claim SMA.

6.6.1.6 Casual workers should seek advice from HR and Payroll if they think they are entitled to SMP.

6.6.2 OMP

6.6.2.1 Casual workers may also be eligible for OMP if they have at least one years' continuous local government service at the 11th week before the EWC (please see 6.6.1.2 for details of what constitutes continuous service).

6.6.2.2 Casual workers should seek advice from HR and Payroll if they think they are entitled to OMP.

7.0 Returning to Work after Maternity Leave

- 7.1 The Council will assume that the employee will return to work on the date specified on their maternity leave form. No written confirmation is required to return to work on that day, although they will receive a letter from Human Resources to remind them of their return to work date.
- 7.2 If the employee wants to return to work from maternity leave earlier than previously planned or later than the previously agreed date she must give eight weeks notice. If the employee fails to provide sufficient notice the employer may postpone the return so eight weeks notice is given, but may not postpone beyond this.
- 7.3 If an employee decides not to return to work at all after their maternity leave, they must give written notice of their resignation in accordance with the notice period in their contract of employment.
- 7.4 Where an employee is unable to return to work on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.
- 7.5 For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes or as soon as reasonably practicable.

8.0 Paternity Leave

8.1 Eligibility for Paternity Leave

- 8.1.1 Employees will be eligible for Paternity Leave if they:
- Expect to have responsibility for bringing up the child **and**
 - Will be taking leave to care for the child and/or support the mother **and**

- Have been continuously employed for at least 26 weeks by either:
 - the end of the 15th week before the start of the week when the baby is due
 - the end of the week they are notified they are matched with their child **and**

- They must also be either the:
 - biological father of the child
 - mother's husband or partner (including same-sex relationships)
 - child's adopter
 - husband or partner (including same-sex relationships) of the child's adopter **and**

- Have been employed continuously from:
 - the end of the 15th week before the baby is due up until the actual date of birth
 - the end of the week they are notified they are matched with their child to the actual date of adoption.

8.2 Ordinary Paternity Leave

8.2.1 Employees who meet the criteria as set in 8.1.1 are entitled to two weeks paid Ordinary Paternity leave (OPL). OPL can be taken from the date of birth or up to eight weeks (56 days) from the birth and must be taken as one continuous period.

8.2.2 The Council pays the two weeks OPL at full pay.

8.2.3 Employees should give Human Resources and their manager notice of the EDC by the 15th week before the baby is due. Please see Appendix 4 for the Ordinary Paternity Leave form.

8.3 Additional Paternity Leave

8.3.1 For employees whose partners are returning or have returned to work, they may also be entitled to up to 26 weeks Additional Paternity Leave (APL), subject to them

meeting the criteria in 8.1.1. APL must be taken as one continuous period.

8.3.2 APL can be taken any time from 20 weeks after the child is born, but it must have finished by the child's first birthday. In the case of adoption it can start anytime between 20 weeks and 52 weeks after the child starts living with the adopter.

8.3.3 Employees should give Human Resources and their manager eight weeks notice before they intend to take APL. Please see Appendix 5 for the Additional Paternity Leave form.

8.3.4 Employees will also receive Additional Statutory Paternity Pay (ASPP) during their APL, providing that:

- the child's mother or adopter has been entitled to one or more of the following - Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Leave or Pay and has at least two weeks of unexpired Statutory Pay period remaining (Human Resources will check this with the mother / adopter's employer)
- the child's mother or adopter has returned to work and ceased claiming any relevant pay (Human Resources will check this with the mother / adopter's employer)
- the employee intends to care for their child during the Additional Statutory Paternity Pay Period.

8.3.5 ASPP is only payable to the employee during the period of their partner's 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period. ASPP is paid at the same rate as SMP, currently £135.45 per week or 90% of earnings, whichever is lesser (correct as at 1 April 2012).

8.3.6 Employees have the right to take unpaid Additional Paternity Leave if they meet the eligibility criteria for leave but not pay. All Additional Paternity Leave taken after the

end of the Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period is unpaid.

8.4 Returning to Work after Additional Paternity Leave

8.4.1 The Council will assume that the employee will return to work on the date specified on their additional paternity leave form. No written confirmation is required to return to work on that day, although they will receive a letter from Human Resources to remind them of their return to work date.

8.4.2 If the employee wants to return to work from additional paternity leave earlier than previously planned or later than the previously agreed date they must give six weeks notice. If the employee fails to provide sufficient notice the employer may postpone the return so six weeks notice is given, but may not postpone beyond this.

8.4.3 If an employee decides not to return to work at all after their additional paternity leave, they must give written notice of their resignation in accordance with the notice period in their contract of employment.

9.0 Adoption Leave

9.1 Entitlement to Adoption Leave

9.1.1 Employees can apply to take Adoption Leave if they are newly matched with a child by an adoption agency and have 26 weeks continuous service with the Council before the beginning of the week when they are matched with a child.

9.1.2 Employees who have had an adoption match should complete the Adoption Match form and pass it to HR in order to secure their statutory entitlement. The adoption agency must be recognised in the UK.

9.1.3 Employees will not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption
- become a special guardian
- adopt a stepchild
- have a child through surrogacy

9.2 Adoption Leave

9.2.1 As with maternity leave, employees are entitled to a period of 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL). Adoption leave starts on the date the employee has specified or on the expected date of placement. Adoption Leave can start:

- up to 14 days before the child starts living with the employee (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)

9.3 Adoption Pay

9.3.1 Adoption pay mirrors maternity pay, please see section 6 for more details. If an employee is not eligible for statutory adoption pay, they may be entitled to other financial support from their local authority or from the Department for Work and Pensions.

9.4 Placement Disrupted

9.4.1 Where after starting the leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the employee will not be entitled to the full adoption leave period. In this situation the adoption leave will end eight weeks after the end of the week in which the disruption occurred. Additional discretionary or unpaid leave may also be granted in such instances, managers should contact HR for advice.

9.5 Notification of Adoption Leave

9.5.1 Applications for leave should be made to HR and the line manager within at least 28 days of the expected date of

placement or if the employee wants the leave to start on a predetermined date, notice must be provided at least 28 days before that date. Please see Appendix 6 for the Adoption Leave form.

9.6 Returning to Work after Adoption Leave

- 9.6.1 The Council will assume that the employee will return to work on the date specified on their adoption leave form. No written confirmation is required to return to work on that day, although they will receive a letter from Human Resources to remind them of their return to work date.
- 9.6.2 If the employee wants to return to work from adoption leave earlier than previously planned or later than the previously agreed date they must give eight weeks notice. If the employee fails to provide sufficient notice the employer may postpone the return so eight weeks notice is given, but may not postpone beyond
- 9.6.3 If disruption on the placement occurs during AAL, the employee should give eight weeks notice, as soon as the disruption occurs.
- 9.6.4 Employees who fail to return to work after a period of adoption leave or resign before completing three months service on return from adoption leave will be required to repay their Occupational Adoption Pay (OAP).

10.0 Keeping in Touch (KIT) days

- 10.1 An employee on maternity, adoption or additional paternity leave can do some work for the employer during their maternity / adoption / additional paternity leave pay period under their contract of service without losing their SMP / SAP / ASPP for that week. They can work for up to 10 days, whether consecutive or not. This enables the employee to undertake odd days training or to go into work on occasion to 'Keep in Touch' (KIT). The employee would not lose their pay for the week in which the work is done or need to end their maternity/adoption/additional paternity leave. Whether the employee just goes in for

one hour or a whole day, it will still be counted as one day for KIT purposes.

- 10.2 This provision is designed to help ease the employee's eventual return to work and to make it easier for them to keep in touch with their employer during their leave from work.
- 10.3 Employees will be paid a full day's pay for each KIT day worked, minus any statutory or occupational maternity pay to ensure it does not exceed a normal day's pay.
- 10.4 Employees should complete a KIT day claim form (Appendix 7) for each KIT day worked and forward to Payroll for payment by the 6th of the month. Claim forms must be signed by an authorised manager.

11.0 Contractual Relationship during Absence

- 11.1 Having granted a period of paid or unpaid leave, the contract of employment between both parties remains in existence and therefore a commitment to maintain confidence, trust and act in good faith during the period of leave.
- 11.2 Employees on periods of extended leave will be required to maintain regular contact with their manager and, if appropriate, inform them of any changes in circumstance which may affect their intention to return to work.
- 11.3 Managers should maintain reasonable contact with employees on maternity / adoption / additional paternity leave. The amount of contact that is reasonable depends on whether the employee prefers to have frequent or minimal contact with their manager. Managers should discuss how they will keep in touch with the employee before they begin their maternity / paternity / adoption leave. If the employee requests in writing not to be contacted whilst on leave, the manager should only contact the employee to advise them of situations which may affect the contractual relationship such as a restructure.

11.4 Employees can continue to access the intranet from home to view details of any permanent or temporary vacancies. If an employee does not have internet access they can contact HR to find out details of any vacancies.

11.5 Staff suspected of abusing the provisions of these procedures or fraudulently applying for leave will be subject to disciplinary investigation as detailed in the Disciplinary Procedure.

12.0 Impact on Conditions of Service

12.1 Generally

12.1.1 An employee returning to local government following a break for maternity, paternity or adoption reasons will be entitled to have previous service recognised for the purpose of calculating:

- Annual Leave
- Periods of Notice
- Sickness Payments
- Redundancy Payments
- Maternity Leave

12.1.2 There may be implications on other conditions of service. These have been detailed below.

12.2 Annual Leave

12.2.1 The entitlement to annual leave continues to accrue whilst on maternity / adoption / additional paternity leave. Where the leave period straddles two annual leave years, annual leave accrued up to the end of the first leave year should be taken before the commencement of the leave period in order that it is not lost.

12.2.2 An employee requesting to return to work on a part-time contract will normally take all annual leave accrued on the full-time contract before the new working arrangements commence.

- 12.2.3 Employees are entitled to paid leave for each of the bank holidays that fall during their maternity / adoption / additional paternity leave and these should be taken upon their return to work.

12.3 Pension

- 12.3.1 An employee who is a member of the Local Government Pension Scheme (LGPS) will continue to pay contributions, however this will be based on the employee's individual contribution rate of their actual earnings during maternity / adoption / additional paternity leave.
- 12.3.2 An employee wishing to maintain their contributions or make contributions during the unpaid period of maternity / adoption / additional paternity leave must contact Payroll before their leave commences.
- 12.3.3 For further guidance contact Payroll or the London Pensions Fund Authority (LPFA). An employee with a private pension should contact their pension provider for guidance.

12.4 Car Contributions

- 12.4.1 Payments towards a car loan and lease car contributions will continue to be deducted from an employee's salary. An employee taking unpaid additional maternity / adoption / paternity leave must make arrangements with Payroll to continue to make payments during that period.
- 12.4.2 Employees in receipt of an essential user allowance will continue to receive this payment throughout their paid maternity / adoption / additional paternity leave. If an employee moves onto unpaid leave, the payments will cease until the employee returns to work.
- 12.4.3 An employee in possession of a council vehicle must ensure that it is left with East Herts before they take maternity / adoption / additional paternity leave. The

vehicle will be returned to the employee on their return to work.

12.5 Student Loans

- 12.5.1 Student loan repayments will continue throughout paid maternity / adoption / additional paternity leave until such point that monthly salary does not meet the income threshold set by the Student Loans Company. At this point, repayments will stop until the employee is earning above the income threshold. Employees should contact the Student Loans Company for more information.

12.6 Council Property

- 12.6.1 An employee will be required to return Council property, for example, a council mobile phone or laptop.
- 12.6.2 An employee will not be required to return items such as their security cards or uniforms.
- 12.6.3 An employee not returning to the Council's employ must ensure that all Council property is returned with their notice of resignation.

12.7 Childcare Vouchers

- 12.7.1 Employees who become pregnant / are planning to adopt and are in the childcare voucher scheme must consider the implications of this before the period up to and including the qualifying week (weeks 17-25 weeks of pregnancy). This is because the salary sacrifice element of the scheme will have an impact on the calculation for the employee's Higher Rate SMP / SAP and Occupational Maternity / Adoption pay. The employee's average earnings calculation, which is used to assess this payment, will be on the employee's salary sacrifice earnings amount and **not** on the employee's full salary.
- 12.7.2 Employees have the choice of:
- **Continuing their childcare vouchers.** Higher rate SMP / SAP and Occupational Maternity / Adoption pay

will be reduced but the Council will pay for the value of the childcare vouchers throughout the maternity leave period, including any unpaid maternity leave as childcare vouchers are classed as a non-cash benefit. The exception to this will be during the 12 weeks Occupational Maternity / Adoption pay when the employee will pay for the value of the vouchers. Employees should contact HR for advice if their Occupational Maternity / Adoption pay is not enough to cover the cost of the vouchers during this period. The employee will continue to receive their vouchers via the normal methods.

- **Ceasing their childcare vouchers before the 8 week period up to and including the qualifying week (weeks 17-25 weeks of pregnancy).** Employees can use the “lifestyle changes” clause to leave the scheme. Their SMP / SAP and OMP / OAP will not be reduced but they will be unable to rejoin the scheme until their maternity / adoption leave has ended and they have returned to work.

12.7.3 Employees requiring further assistance on childcare vouchers and maternity / adoption leave should contact Human Resources for more information.

12.8 Rights upon Return to Work

12.8.1 An employee has the right to return to the job in which they were employed under their original contract of employment and terms and conditions not less favourable than those, which would have been applicable to them if they had not been absent. Where this is not practicable by reason of redundancy, an employee will be entitled to be offered suitable alternative employment where one exists.

12.8.2 Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general re-organisation), which would have occurred if the employee were not absent.

- 12.8.3 The work to be done should be suitable to the employee and appropriate to the circumstances. The capacity and place in which the employee is to be employed and the terms and conditions of employment should not be less favourable to the employee if the employee had been able to return to the job in which they were originally employed.

13.0 Flexible Working

- 13.1 Please refer to the Flexible Working Policy for details on applying for Flexible Working.
- 13.2 Employees returning from maternity / adoption / additional paternity leave should make their request to work flexibly in sufficient time to enable arrangements to be looked at and considered. Therefore the request should be made at least 12 weeks before the anticipated return to work.

14.0 Parental Leave

- 14.1 There is a right for both parents to take up to 18 weeks unpaid parental leave per parent per child, up until the child's 18th birthday.
- 14.2 If the child is adopted, parental leave can be taken until the eighteenth anniversary of the child's placement or until their 18th birthday, whichever comes first.
- 14.3 Employees must have more than one year's continuous service in local government and must either be the parent of the child, named on the child's birth/adoption certificate or have legal parental responsibility for the child.
- 14.4 The Council will endeavor to make parental leave available to those with parental responsibilities but who do not fall under the legal definition. This might include foster parents, adoptive parents prior to placement, grandparents with a significant parenting role and stepparents. Cases will be considered on an individual basis, staff should contact HR for more information.

- 14.5 Employees can take parental leave at the end of maternity / adoption/ additional paternity leave providing they give 21 days' notice.
- 14.6 To apply for parental leave employees should write to their Head of Service who will forward the request to Human Resources and take advice. Employees must give 21 days' notice before their intended start date.
- 14.7 The limit on how much parental leave can be taken a year is 4 weeks. Unless the child is disabled, leave should be taken in blocks of one week. A 'week' equals the length of time an employee normally works in a week.
- 14.8 Managers cannot turn down a request for parental leave, but can ask employees to postpone it if it would cause significant disruption to the business, e.g. if leave was requested:
- over a period of peak seasonal production
 - at the same time as other employees have requested leave
 - when the employee's absence would unduly harm the business
- 14.9 If a manager needs to postpone a request for parental leave, they must consult with the employee about a new date and must write to the employee within seven days of receiving the employee's notification explaining why the leave needs to be postponed and confirming the new start and end date. Managers must allow the employee to take the same amount of parental leave as they originally applied for. If the postponement goes past the end of the entitlement period (e.g. after the child's fifth / eighteenth birthday), they must still be allowed to take the leave.
- 14.10 Any parental leave taken in previous employment is deducted from an employee's parental leave entitlement.

15.0 Review

- 15.1 This policy will be reviewed every two years or sooner if there are any changes in legislation requiring amendments to be made.



APPENDIX 1: MATERNITY LEAVE FORM

This form should be returned to HR no later than 28 days before you go on leave. Please ensure you have read the Maternity guide before completing this form.

To be completed by employee

<u>Personal Details</u>		
Title: _____	Name: _____	Surname: _____
Employee No. _____	Nat Ins No. _____	Section: _____
Address: _____		
_____	Post Code: _____	Tel No. _____

<u>Leave and Pay Details</u>	
I have attached my MATB1 <input type="checkbox"/>	My MATB1 is to follow <input type="checkbox"/>
Maternity Leave Start Date: _____	Maternity Leave Return Date: _____
(These dates should exclude any annual leave)	

Entitlement A	I have more than 1 year continuous local government service by the Expected Date of Childbirth (EDC).	<input type="checkbox"/>
Entitlement B	I have 26 weeks continuous local government service by the 15 th week before EDC, but less than 1 year continuous local government service by the EDC.	<input type="checkbox"/>
Entitlement C	I do not have 26 weeks continuous local government service by the 15 th week before EDC. (Please seek advice from the Job Centre Plus for SMP)	<input type="checkbox"/>

Pay Options – please indicate the number of weeks to be paid at each rate	Please specify the number of weeks		
	Entitlement A	Entitlement B	Entitlement C
Up to 6 weeks at 90% pay			Please seek advice from Job Centre Plus
Up to 12 weeks SMP	n/a		
Up to 12 weeks SMP & 50% enhanced pay	Select one option	n/a	
Up to 12 weeks SMP & 50% enhanced pay (deferred until 3 months after return to work)			
Up to 21 weeks SMP			
Up to 13 Additional Maternity Leave (Unpaid)			

<u>Agreement</u>	
<ul style="list-style-type: none"> I will make arrangements with payroll with regard to my pension & car contributions. I will return Council property before I take leave (i.e. Council van, mobile phone etc.) I will give 12 weeks notice if I wish to be considered for flexible working arrangements. I will give 8 weeks notice should I wish to change my return date from maternity leave. I agree to refund any amounts owed to the Council should I decide not to return to work after receiving OMP (50% Enhanced Pay) or if an overpayment is made. I will return all Council property should I not return to work after maternity leave (including ID Badge, Uniform etc.) 	
Signed: _____ (Employee)	Date: _____
Signed: _____ (Authorised Officer)	Date: _____

To be completed by HR & Payroll

Received by HR _____
(Init.) (Date)

Written to _____
(Date)

Received by Payroll _____



Guidance Notes

Please read below for guidance on how to complete the Maternity Leave Form.

Personal Details

Please ensure that every section is completed.

Leave & Pay Details

Maternity leave and pay are separate entities.

Maternity leave dates should exclude any annual leave taken before or after. If you give birth earlier than expected, maternity leave will start from this point and leave will be adjusted.

Maternity pay

Dependant on your continuous local government service, employees are entitled to different options regarding their maternity pay. Please select 1 statement that applies to you.

Pay options – the 3 columns correspond to the entitlements above. Please ensure you only complete the column that applies to you.

The rate that maternity leave is paid decreases after a given amount of weeks. You should indicate how many weeks you would like to be paid at the set rate in the relevant box. The number of weeks should all add up to the number of weeks you are on maternity leave.

Guidance for Entitlement A

- Up to 6 weeks at 90%.
- Up to 12 weeks of **either**; SMP + 50% enhanced pay **or** SMP + 50% enhanced pay (which will be deferred until 3 months after return from maternity leave).
- Up to 21 weeks of SMP.
- Up to 13 weeks of additional (unpaid) maternity leave.

Employees that fall into Entitlement A have the option of 12 weeks of 50% enhanced maternity pay; this must be repaid to the Council if they do not return to the Council after maternity leave. For employees unsure whether they will return, they can select the option which will pay the 50% enhanced maternity pay, 3 months after they return.

Guidance for Entitlement B

- Up to 6 weeks at 90%.
- Up to 12 weeks at SMP.
- Up to a further 21 weeks of SMP.
- Up to 13 weeks of additional (unpaid) maternity leave.

Guidance for Entitlement C

Job Centre Plus will pay your SMP; you should provide a copy of your MATB1 to HR and take the original to Job Centre Plus.

Agreement

Please read the agreement carefully before you sign this form. It should then be countersigned by your line manager (authorised officer) before you forward to HR.



APPENDIX 2: PREGNANCY AND MATERNITY LEAVE TIMELINE

Week	Pregnancy																		
1																			
2																			
3																			
4	Employees must consider when they are going to notify their manager of their pregnancy																		
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
16																			
17	Employees currently in receipt of childcare vouchers who plan to stop them due to the impact on Higher Rate SMP and Occupational Maternity pay must do so this week.																		
18																			
19																			
20																			
21	The midwife will usually issue the MATB1 form from the 21st week of pregnancy																		
22																			
23																			
24	If the baby dies or is still-born after 24 weeks pregnancy, the maternity scheme still applies																		
25	The 15 th week before the EDC is known as the qualifying week. To qualify for SMP, employees must have been continuously employed in local government for at least 26 weeks at the start of the qualifying week.																		
26																			
27																			
28																			
29	The 11th week before the EDC is the earliest maternity pay can commence (except in cases of premature birth)																		
30	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> <tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr> </table>																		
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40	Expected Week of Childbirth																		

Week	Maternity Leave			
1	Ordinary Maternity Leave	Compulsory Maternity leave (this is part of Ordinary Maternity Leave)		
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27	Additional Maternity Leave			
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41			Flexible working requests should be submitted at least 12 weeks before the anticipated return to work	If an employee decides not to return to work at all after their maternity leave, they must give written notice of their resignation in accordance with the notice period. This may be one to three months, depending on the contract of employment.
42				
43				
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50				
51				
52				



APPENDIX 3: MATERNITY LEAVE CHECKLIST

Action	You	Your Manager	HR
Inform your manager of your pregnancy.	✓		
Contact the Health and Safety Advisor to arrange a health and safety risk assessment.	✓		
If any risks are identified in the health and safety risk assessment, take action to mitigate these.	✓	✓	
Request time off for ante natal care (e.g. midwife appointments) with your manager.	✓		
Read the Maternity Policy.	✓		
If you currently have childcare vouchers, speak to HR about your options before you are 17 weeks pregnant because the salary sacrifice element of the scheme will have an impact on the calculation for Higher Rate SMP and Occupational Maternity pay.	✓		
Complete the maternity leave form, confirming when you want to start maternity leave and how long you want to take off. Get the form authorised by your manager and send to HR.	✓	✓	
Send your MATB1 to HR, either with the maternity leave form if you have it, or as soon as you receive it afterwards.	✓		
HR will send you a letter upon receipt of your maternity leave form, confirming your maternity leave dates, entitlements and date due back to work.			✓
Take the annual leave you have accrued to date before you start your maternity leave.	✓		
Agree communications required during maternity leave and provide as required.	✓	✓	
HR will send you a letter during your maternity leave, reminding of your return date.			✓
If appropriate, your line manager will contact you to ensure you are fully informed and consulted in the event of any organisational restructure.		✓	
Contact your Manager or Human Resources if you have any questions or concerns during your leave.	✓		
Inform your Manager in writing if you wish to return to work earlier or later than planned, giving at least 8 weeks notice.	✓		

Attend voluntary keeping in touch days in agreement with your Manager.	✓	✓	
Complete the KIT day claim form and send to Payroll to ensure payment for any agreed keeping in touch days.	✓		
Complete a flexible working request if you want to apply to change your working pattern at least 12 weeks before planned return date.	✓		
Respond to flexible working request in writing, following the Flexible Working Policy.		✓	
Take any accrued annual leave before you return to work.	✓		
Hold welcome back 1-1 meeting with you during your first week back.		✓	
Carry out a further risk assessment if you are still breastfeeding or the baby is under 6 months old (during your first week back at work).		✓	



APPENDIX 4: ORDINARY PATERNITY LEAVE FORM

Please complete this form to claim your Statutory Paternity Pay (SPP) and forward to HR at least 15 weeks before the expected due date.

First Name: _____	Surname: _____
Payroll No: _____	Nat Ins. No: _____
Job Title: _____	Department: _____
The baby is due on: _____ OR The baby was born on: _____	

Please note that paternity leave must be taken in **weekly blocks**.

I would like my SPP / Paternity leave to start on: _____
I want to be away from work for _____ week(s)

You must be able to tick all three boxes below to get Statutory Paternity Pay and paternity leave.

I declare that:

I am:	
- the baby's biological father, or	
- the mother's husband or partner (including same-sex relationships), or	
- the child's adopter, or	
the husband or partner (including same-sex relationships) of the child's adopter	<input type="checkbox"/>
I have responsibility for the child's upbringing	<input type="checkbox"/>
I will take time off work to support the mother or care for the child	<input type="checkbox"/>
I have provided a copy of my partner's MATB1 form	<input type="checkbox"/>

Signed: _____ Date: _____
(Employee)

Signed: _____ Date: _____
(Line Manager)

To be completed by HR & Payroll only

Received by (Init.) _____ Date: _____

Acknowledge: _____ Forward to payroll: _____



APPENDIX 5: ADDITIONAL PATERNITY LEAVE FORM

Please complete this form to claim your Additional Paternity Leave and pay and forward to HR at least 8 weeks before the intended start date.

First Name: _____	Surname: _____
Payroll No: _____	Nat Ins. No: _____
Job Title: _____	Department: _____
The baby is due on: _____ OR The baby was born on: _____	

I would like my Additional Paternity leave and pay to start on: _____
I want to be away from work for _____ weeks (up to 26 weeks)

I declare that:

I am:	
- the baby's biological father, or	
- the mother's husband or partner (including same-sex relationships), or	
- the child's adopter, or	
- the husband or partner (including same-sex relationships) of the child's adopter	<input type="checkbox"/>
I have responsibility for the child's upbringing	<input type="checkbox"/>
I will take time off work to support the mother or care for the child	<input type="checkbox"/>

I attach in support of my application:

Birth Certificate or Adoption certificate	<input type="checkbox"/>	Copy of Mat B1 of expectant mother (if applicable)	<input type="checkbox"/>
Proof of employment details of mother or adopter of child	<input type="checkbox"/>		

Signed: _____ Date: _____
(Employee)

Signed: _____ Date: _____
(Line Manager)

To be completed by HR & Payroll only

Received by (Init.) _____ Date: _____

Acknowledge: _____ Forward to payroll: _____



APPENDIX 6: ADOPTION LEAVE FORM

This form should be returned to HR no later than 28 days before you go on leave.
Please ensure you have read the Maternity, Paternity & Adoption Leave Policy before completing this form.

To be completed by employee

<u>Personal Details</u>		
Title: _____	Name: _____	Surname: _____
Employee No. _____	Nat Ins No. _____	Section: _____
Address: _____		
_____	Post Code: _____	Tel No. _____

<u>Leave and Pay Details</u>	
I have attached my Matching Certificate <input type="checkbox"/>	My Matching Certificate is to follow <input type="checkbox"/>
Adoption Leave Start Date: _____	Adoption Leave Return Date: _____
(These dates should exclude any annual leave)	

Entitlement	I have 26 weeks continuous local government service by the expected matching date of the adoption. <input type="checkbox"/>
--------------------	---

Pay Options – please indicate the number of weeks to be paid at each rate	Please specify the number of weeks Entitlement
Up to 6 weeks at 90% pay	
Up to 12 weeks SAP & 50% enhanced pay	Select one option
Up to 12 weeks SAP & 50% enhanced pay (deferred until 3 months after return to work)	
Up to 21 weeks SAP	
Up to 13 Additional adoption leave (Unpaid)	

<u>Agreement</u>	
<ul style="list-style-type: none"> I will make arrangements with payroll with regard to my pension & car contributions. I will return Council property before I take leave (i.e. Council van, mobile phone etc.) I will give 12 weeks notice if I wish to be considered for flexible working arrangements. I will give 8 weeks notice should I wish to change my return date from adoption leave. I agree to refund any amounts owed to the Council should I decide not to return to work after receiving OAP (50% Enhanced Pay) or if an overpayment is made. I will return all Council property should I not return to work after adoption leave (including ID Badge, Uniform etc.) 	
Signed: _____ (Employee)	Date: _____
Signed: _____ (Authorised Officer)	Date: _____

To be completed by HR & Payroll

Received by HR _____ (Init.) _____ (Date) _____	Written to _____ (Date) _____
Received by Payroll _____	_____



Guidance Notes

Please read below for guidance on how to complete the Adoption Leave Form.

Personal Details

Please ensure that every section is completed.

Leave & Pay Details

Adoption leave and pay are separate entities.

Adoption dates should exclude any annual leave taken before or after.

Adoption pay

The rate that adoption leave is paid decreases after a given amount of weeks; you should indicate how many weeks you would like to be paid at the set rate in the relevant box. The number of weeks should all add up to the number of weeks you are on adoption leave.

Guidance for Entitlement

- Up to 6 weeks at 90%.
- Up to 12 weeks of **either**; SAP + 50% enhanced pay **or** SAP + 50% enhanced pay (which will be deferred until 3 months after return from adoption leave).
- Up to 21 weeks of SAP.
- Up to 13 weeks of additional (unpaid) adoption leave.

Employees have the option of 12 weeks of 50% enhanced adoption; this must be repaid to the Council if they do not return to the Council after adoption leave. For employees unsure whether they will return, they can select the option which will pay the 50% enhanced adoption pay, 3 months after they return.

Agreement

Please read the agreement carefully before you sign this form. It should then be countersigned by your line manager (authorised officer) before you forward to HR.



APPENDIX 7: KEEPING IN TOUCH (KIT) DAY CLAIM FORM

Please complete this form to claim payment for KIT days worked during maternity / adoption / additional paternity leave. Forms must be submitted to Payroll by the 6th of the month. **Please note a maximum of 10 full KIT days can be worked during maternity / adoption / additional paternity leave.**

Name: _____

Payroll No.

--	--	--	--	--	--

Job title: _____

Department: _____

Date	Time (rounded to 15 mins)		Reason	Total Hours	Payroll Use	
	From	To			Code	Amount

Total Claimed:

--

I certify that the above hours were worked on the dates shown for the reason given

Signed: _____

Date: _____

This claim has been examined and verified for payment by

Signed: _____

Date: _____

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EAST HERTS COUNCIL

LOCAL JOINT PANEL – 19 FEBRUARY 2013

HUMAN RESOURCES COMMITTEE - 20 MARCH 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

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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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EAST HERTS COUNCIL

LOCAL JOINT PANEL – 19 FEBRUARY 2013

HUMAN RESOURCES COMMITTEE - 20 MARCH 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

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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

LOCAL JOINT PANEL – 19 FEBRUARY 2013

HUMAN RESOURCES COMMITTEE – 20 MARCH 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

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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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