



Employment and Appeals Committee Agenda

Wyre Borough Council
Date of Publication: Date Not Specified
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Employment and Appeals Committee meeting on Monday, 11 July 2016 at 6.00 pm in the Committee Room 2, Civic Centre, Poulton-Le-Fylde

1. **Election of Chairman and Vice Chairman**
2. **Apologies**
3. **Declarations of interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters to be considered at this meeting.

4. **Confirmation of Minutes** (Pages 1 - 2)

To confirm as a correct record, the minutes of the meeting of the Employment and Appeals Committee held on Monday 14 March 2016.

5. **Policy Review** (Pages 3 - 64)

Report of the Head of Business Support.

Appendices:

- Flexible Retirement Policy
- Retirement Policy and Procedure
- Social Media and Employment Policy
- Driving at Work Policy
- Disciplinary Policy and Procedure "Protected Officers"
- Employee Code of Conduct

6. **Date and time of next meeting**

6.00pm on Monday 14 November 2016

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Employment and Appeals Committee Minutes

Minutes of the Employment and Appeals Committee meeting of Wyre Borough Council held at 6.00 pm on Monday 14 March 2016 at the Civic Centre, Poulton-le-Fylde.

Committee members present:

Councillor Rita Amos
Councillor Barry Birch
Councillor Ruth Duffy
Councillor Graham Holden

Councillor Julie Robinson (Vice Chairman)
Councillor Ann Turner (Chairman)
Councillor Val Wilson

Apologies:

Councillor Ian Duffy
Councillor Natalie Reeves

Other councillors present:

Councillor Ian Amos

Officers present:

Liesl Hadgraft (Head of Business Support)
Duncan Jowitt (Democratic Services Officer)

No members of the public attended the meeting.

EA10 Declarations of interest

None.

EA11 Minutes

The committee confirmed the minutes of the meeting held on 2 November 2015 as a correct record.

EA12 Policy Review

The Head of Business Support submitted a report presenting five of the council's existing Human Resources Policies that had been reviewed and updated and explained the reasons for the changes that had been made to the policies.

The committee discussed the proposed amendments and asked a number of relevant questions about the policies, which the Head of Business Support addressed and responded to as appropriate and to the satisfaction of the committee.

Resolved that the revisions to the following Human Resources Policies be approved:

- Working Carers Policy
- Fostering Policy
- Social Media Policy
- Gender Reassignment Policy
- Preventing Illegal Working Policy

EA13 Date and time of next meeting

6pm on Monday 11 July 2016

The meeting started at 6pm and finished at 6.18pm.

Date of Publication: 15 March 2016

arm/empap/mi/140316



Report of:	Meeting	Date	Item No.
Human Resources	Employment and Appeals Committee	11 July 2016	5

Policy Review

1. Purpose of report

1.1 To present to the Panel additions and amendments to Human Resource Policies.

2. Outcomes

2.1 The amendment to existing policies and procedures.

3. Recommendation

3.1 That the Panel approve the policies and arrangements set out in Section 5.

4. Background

4.1 From time to time the Council needs to develop new policies and working arrangements to ensure we comply with statutory requirements and effectively manage our human resources.

4.2 The development of new policies and the review of existing policies will also be informed by employment best practice and the organisational needs of the Council.

5. Key issues and proposals

5.1 Flexible Retirement Policy	Appendix 1	New
Retirement Policy and Procedure	Appendix 2	Reviewed
Social Media Policy	Appendix 3	Reviewed
Driving Policy Section 5.10	Appendix 4	Reviewed
Disciplinary Policy and Procedure "Protected Officers"	Appendix 5	New
Employee Code of Conduct	Appendix 6	Reviewed

- 5.2 Flexible Retirement has been reviewed to ensure that the policy assists managers with succession planning.

As Flexible Retirement used to form part of the Council's Retirement Policy and Procedure a new policy was created to enable more detail to be included. The new policy requires any reduction in hours to be significant and the employee also needs to define a period of time within which they intend to retire in entirety.

- 5.3 The Retirement Policy and Procedure has been amended as Flexible Retirement now forms a separate policy as set out in 5.2.
- 5.4 Although the Social Media Policy was reviewed in March 2016 further amendments were considered appropriate following a disciplinary investigation in relation to social media.
- 5.5 Section 5.10 of the Driving Policy has been amended so that in exceptional circumstances staff may be able to claim back a fine received during the course of their working day.
- 5.6 Disciplinary Policy and Procedure - "Protected Officers" - This formal procedure reflects the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 which introduced specific regulations that make distinctive provisions for certain protections for the Chief Executive, Chief Finance Officer and Monitoring Officer.
- 5.7 Section 2 of The Employee Code of Conduct has been amended to provide clarification on the standards of conduct expected following a disciplinary investigation in relation to social media.

Financial and legal implications	
Finance	There are no specific Finance issues associated to this report.
Legal	There are no specific Legal issues associated to this report. However failure to comply with appropriate legislation may expose the Council to litigation.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Head of Business Support	(01253) 887316	Liesl.hadgraft@wyre.gov.uk	June 2016

List of background papers:		
name of document	date	where available for inspection
none		

List of appendices

- Appendix 1 Flexible Retirement Policy
- Appendix 2 Retirement Policy and Procedure
- Appendix 3 Social Media Policy
- Appendix 4 Driving Policy Section 5.10
- Appendix 5 Disciplinary Policy and Procedure
"Protected Officers"
- Appendix 6 Employee Code of Conduct

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Flexible Retirement Policy

1. Introduction

- 1.1 Wyre Council is committed to providing more choice and flexibility to employees to remain an employer of choice and to demonstrate how we value the contributions employees make.
- 1.2 The Council recognises that flexibility is something employees who wish to ease into retirement aspire to, making their transition from working life to retirement an enjoyable one. As an employer we also realise the benefit of retaining valuable knowledge and skills within the organisation.
- 1.3 This policy sets out how the provision of Flexible Retirement contained within the Local Government Pension Scheme (LGPS) will be operated within the Council for employees who are members of the LGPS.
- 1.4 This Policy must be read in conjunction with the Council's Retirement Policy and Procedure.

2. Regulations

- 2.1 The Local Government Pension Scheme allows scheme members who have attained the age of 55 to draw all or part of their retirement benefits under flexible retirement arrangements whilst continuing to work providing that:
 - the employer consents, and
 - there has been a reduction in hours, or
 - a reduction in grade.
- 2.2 Where the employer consents to flexible retirement, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw), the employer can also allow the member to choose to draw all, part or none of the pension benefits they accrued after 31 March 2008.
- 2.3 Benefits taken on flexible retirement will often be subject to a potential actuarial reduction if they are being drawn earlier than the member's normal retiring age to reflect the fact that they are being paid early, and therefore, potentially for a longer period.
- 2.4 Flexible retirement provisions may be operated for members potentially up to a member's 75th birthday.
- 2.5 Employers can if they choose waive, in whole or in part, any reductions that might apply.

3. Council Policy

- 3.1 This Policy sets out the Council's flexible retirement provisions and process by which requests from employees who have attained the age of 55, to draw all or part of their retirement benefits, will be considered in accordance with the Regulations. The policy provisions are summarised below.
- 3.2 All applications for flexible retirement must be submitted in writing to the Chief

Executive or relevant Service Director.

- 3.3 As flexible retirement is a mechanism to help prepare for retirement, before submitting an application employees should have considered the period of time they envisage the reduction in hours/grade continuing until they retire in entirety.
- 3.4 In submitting an application for consideration, an employee must agree to:
- a permanent reduction in hours which must be significant;
 - a reduction in grade which must be significant; or
 - a combination of both; and
 - a defined period within which they will retire in entirety.
- 3.5 The flexible retirement application must include an explanation of what impact, if any, the employee thinks agreeing to the request will have on the service and how, in the employee's opinion, any such impact might be accommodated. The employee must also specify their preferred working pattern if their request involves a reduction in hours.
- 3.6 Each application will be considered on its own merit and must be considered financially viable by the Council in terms of succession planning where a cost is incurred.
- 3.7 It is important to note that where benefits on flexible retirement are being drawn earlier than the employee's Normal Pension Age, these will be actuarially reduced. Only in exceptional circumstances, and where there is a justifiable business case, will consideration be given to waiving all or part of the reduction.

4. Terms and Conditions following Flexible Retirement

- 4.1 Employees who reduce their working hours will receive terms and conditions of employment on a pro-rata basis.
- 4.2 Employees who acquire a lower graded job will receive terms and conditions applicable to the new job.
- 4.3 There is no break in service when agreeing flexible retirement, ensuring continuity of service. This means that if an employee were to be made redundant they would maintain their continuous service for the calculation of redundancy payment although it will be based on their salary at the time of redundancy not that prior to their Flexible Retirement.
- 4.4 Once their pension has been released through Flexible Retirement staff can re-join the pension scheme however this will be a completely new membership. The periods of membership used to calculate your benefits paid on flexible retirement will not be taken into account in any subsequent calculation of benefits.

5. Equality Impact Assessment and Monitoring

- 5.1 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

6. Data Protection Act 1998

- 6.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.



RETIREMENT POLICY AND PROCEDURE

1. Introduction

- 1.1 Wyre Council no longer operate a compulsory retirement age and employees should, wherever possible, be permitted to continue working for as long as they wish to do so. The purpose of this policy is to help managers and employees to understand the options which are available in relation to retirement.

2. Retirement Options and the Local Government Pension Scheme.

2.1 **Notional Retirement Age (NRA)**

The normal retirement age for Local Government Pension Scheme members has been aligned to the employee's individual State pension age at the time the employment is terminated (with a minimum of age 65). At this age you can choose to retire without the Council's consent and receive immediate payment of your scheme benefits. Your benefits will be calculated based on the service you have built up to this date and will not be subject to any reductions.

2.2 **Early Retirement Age 55 or over**

Employees who are aged 55 or over can voluntarily retire by giving the appropriate notice period for their post. However their pension benefits may be subject to reductions because they are leaving the scheme before the pension scheme's normal retirement age.

Depending on length of service certain protections may apply and members of the pension scheme should contact Lancashire Pension Service for more information.

3. Phased Retirement

- 3.1 An employee may decide that he/she does not wish to retire in the near future but would benefit from alternative working arrangements in the short or medium term. These employees may make a request to the Council for phased retirement.

Phased retirement allows a change of working pattern so that an employee can reduce his/her hours gradually (for example, move to part-time working) prior to retirement. It may also involve changes to the employee's responsibilities to help the Council with its succession planning, and help the employee to adjust to, and prepare for, retirement.

The Council will follow the principles in its Work Life Balance policy when considering any such requests.

- 3.2 [Phased retirement would not include release of the employee's pension benefits.](#)

4. Flexible Retirement

- 4.1 Employees who are members of the LGPS and are aged over 55 may apply for either or both of two flexible retirement options. These allow accrued pension benefits to be paid before the normal age of retirement, while the employee continues to work for the Council and draw a salary. In most cases the pension benefits payable will be reduced to reflect the fact that they are being paid early, and therefore, potentially for a longer

period.

4.2 When applying for Flexible Retirement employees should define the period of time within which they will want to retire in entirety.

~~4.2 Flexible retirement will not be granted until the Council has confirmed whether the arrangement will result in an employer cost. If there is a cost this will usually make it unlikely that the Council will agree to the proposal. However, flexible retirement may still be granted in exceptional circumstances. Flexible retirement is a voluntary option and employees cannot be compelled to enter into a flexible retirement arrangement by the Council.~~

~~4.3 **Option 1: Flexible retirement with a reduced number of working hours**~~

~~Applications should be made by the employee to their Director using the 'Flexible Working Request Application Form' and should include a formal request for flexible retirement as part of the reduced work package. Human Resources will obtain an estimate of the cost to the Council and the Line Manager and representative from Human Resources will hold a meeting with the applicant within 28 calendar days of receiving the estimate to discuss the application.~~

~~4.4 **Option 2: Flexible retirement with a reduction in grade**~~

~~Applications should be made by the employee initially with their Head of Service and Human Resources. If the application is supported in principle, access to lower graded posts may be secured through either the redeployment or recruitment procedures. If a post is available a formal request for flexible retirement should be received. Human Resources will need to obtain an estimate of cost to the Council prior to any decision being made on the flexible retirement application.~~

~~All requests will be subject to operational considerations and the reduction of grade/hours should be of substance.~~

4.3 For information on Flexible Retirement please see the separate Flexible Retirement Policy.

5. Monitoring Performance

5.1 Workplace discussions

The Council currently invites all employees to regular workplace discussions as part of the Performance Appraisal Process. During those discussions, the line manager will discuss the employee's performance, developmental or training needs and the Council's and employee's future plans and expectations in the short, medium and long-term. Where the employee is of an age where they may wish to retire those discussions could include their future plans or proposals for retirement.

The Council will offer pre-retirement training at no cost to the employee. Details of this training is available from Human Resources.

6. Giving Notice of Retirement

- 6.1 Employees who wish to retire should inform their line manager in writing as far in advance as possible and, in any event, in accordance with his/her notice period as set out in his/her contract of employment. This will assist the Council with its succession planning.

The Council will write to the employee acknowledging the employee's notice to retire.

The Line Manager will arrange a meeting with the employee to discuss arrangements for retirement, including the intended retirement date, succession and handover plans, pension details and phased retirement, if applicable.

All employees should note that it is their responsibility to ensure they are aware of the LGPS Pension as they relate to their individual circumstances. Although the Council will provide an estimate of benefits, employees should consider their pension provision and take independent financial advice before making any decision in relation to retirement.

7. Succession planning

- 7.1 An employee who is shortly to retire will often have considerable knowledge in relation to his/her role and responsibilities. The Council may require the employee's assistance and cooperation for any succession planning implications.

Prior to retirement, employees should cooperate with the Council by providing full details of the status of work projects and future steps; developing a job description, including key competencies and skills required for the role; ensuring a smooth handover of work; and assisting in training any successor etc.

8. Redundancy

- 8.1 The rules of the LGPS require that scheme members who are made redundant at or after age 55 will be entitled to immediate payment of unreduced pension benefits.

9. Retirement on the grounds of ill health

- 9.1 In cases where an employee's long-term ability to work is likely to be significantly affected by ill-health, the employee may become eligible for ill-health retirement under the terms of the LGPS.

The provisions of the scheme set stringent criteria for the management of all ill health retirements.

If a member's employment is ended due to ill health or infirmity of mind or body due to being,

- permanently incapable of discharging efficiently the duties of their employment; and
- they also have a reduced likelihood of being capable of undertaking any 'gainful employment' before normal retirement age,

they are entitled to receive immediate payment of pension benefits regardless of age, provided they have at least 3 months 2 years' membership or have transferred pension rights from a previous scheme.

Human Resources will provide detailed information (and assistance in making an application if appropriate) on request.

10. Employer Discretions on Early Termination of Employment.

- 10.1 The Council has certain discretionary functions available under the Local Government Pension Scheme (LGPS) that assist with the administration of the pension fund. A written statement of the Council's policy in relation to the exercise of certain discretionary functions available under those regulations is to be found on the intranet.

11. Re-employment after retirement

- 11.1 Employees who retire can seek re-employment via the Council's normal recruitment procedures. In some cases re-employment will affect payment of pension benefits and can lead to abatement of pension.

12. Disputes

- 12.1 Employees who are unhappy with a decision in respect of their retirement arrangements or pension benefits are advised to contact Human Resources in the first instance to determine whether an informal resolution can be achieved.

The LGPS also contains procedures for complaints or appeals from staff within an Internal Disputes Procedure who think there has been a mistake or that their entitlement has been incorrectly assessed. Details can be obtained from Human Resources or direct from the Pension Fund Administrators (Lancashire County Council)

13. Equality Impact Assessment and Monitoring

- 13.1 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

13. Data Protection Act 1998

- 13.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.



Social Media and Employment Policy

TABLE OF CONTENTS

Contents

		Page
1.	Policy Statement	1
2.	Supporting Policies and Guidance	1
3.	Definition of Social Media	1
4.	Use of Social Media at Work	1
5.	Monitoring use of social media during work time	3
6.	Social Media in your personal life	3
7.	Use of Social Media in the recruitment process	4
8.	Disciplinary action over social media use	45
9.	Equality Impact Assessment and Monitoring	54
10.	Data Protection Act 1998	45

1. Policy Statement

- 1.1 Wyre Council acknowledges that there is significant potential for using social media and that this can bring great advantages. The responsible, corporate use of social media is therefore encouraged.
- 1.2 This policy provides a structured approach to using social media and will ensure that it is effective, lawful and does not compromise Council information or computer systems/networks.
- 1.3 Users must ensure that they use social media sensibly and responsibly, in line with council policy [whether using it on council business or personal use outside working hours](#). They must ensure that their use will not adversely affect the council or its business, not be damaging to the council's reputation and credibility or otherwise violate any council policies.
- 1.4 Personal use of social media during working hours is not permitted.

2 Supporting Policies and Guidance

- 2.1 This Policy should be read in conjunction with the Social Media Guidance available on the Council's intranet or from the Engagement Team.
- 2.42 This policy has links to the following policies:
 - Employee Code of Conduct
 - IT Computer Use Policy
 - Safeguarding Children Policy
 - Safeguarding Adult Policy
 - Dignity at Work Policy
 - Disciplinary Policy
 - Data Protection Policy

3. Definition of Social Media

- 3.1 For the purposes of this policy, social media is a type of interactive online media that allows parties to communicate instantly with each other or to share data in a public forum. This includes online social forums such as Twitter, Facebook and LinkedIn. Social media also covers blogs and video- and image-sharing websites such as YouTube, Flickr and Instagram. This list is not exhaustive.
- 3.2 Employees should be aware that there are many more examples of social media that can be given and this is a constantly changing area. Employees should follow these guidelines in relation to any social media that they use.

4. Use of Social Media at Work

- 4.1 Social media will be made available for corporate / business use only.

If it is established that an employee's role should include the use of social media,

approval should be sought by their Manager using the 'Social Media Access Form' from the IT Systems/Software Manager (see the process set out in the Social Media Guidance)

4.2 Social media access for corporate / business use should be via an account registered to the employee's wyre.gov.uk email address only.

4.3 Responsibilities of Users

The following guidelines will apply to online participation and set out the standards of behaviour expected as a representative of Wyre Council.

1. Be aware of and recognise your responsibilities identified in this policy.
2. Remember that you are personally responsible for the content you publish on any form of social media.
3. Never give out personal details such as home address and telephone numbers. Ensure that you handle any personal or sensitive information in line with Data Protection.
4. Be aware of safeguarding issues, as social media sites are often misused by offenders. Safeguarding is everyone's business – if you have concerns about other site users, you have a responsibility to report these to your manager or the Designated Child Protection Officer.
5. Respect copyright, fair-use and financial disclosure laws.
6. Social media sites are in the public domain and it is important that you are confident about the nature of the information you publish. Permission must be sought if you wish to publish or report on meetings or discussions that are meant to be private or internal to Wyre Council. Don't cite or reference colleagues, customers, partners or suppliers without their approval.
7. Don't use insulting, offensive or discriminatory language or engage in any conduct that would not be acceptable in the workplace. Show consideration for others' privacy and for topics that may be considered objectionable or inflammatory.
8. Don't download any software, shareware or freeware from any social media site, unless this has been approved and authorised by the Information Technology Team.
9. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views of proposals in such a way that that identifies them with any individual members or groups of members.
10. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the name, wards and parties of candidates at elections.

4.4 Investigatory Use

The Surveillance Commissioners have provided guidance that certain activities will require authorisation under RIPA or RIP(S)A and this includes repetitive viewing of what are deemed to be “open source” sites for the purpose of intelligence gathering and data collation.

Whilst it is recognised that social media can be used for investigatory purposes, such as identifying fraud, illegal events etc. under no circumstances should employees use social media for investigatory purposes without authority from the relevant [Corporate Service Director](#) or [Chief Executive](#).

Officers who have the authority to carry out investigations using social media must comply with relevant guidance and legislation.

5. **Monitoring use of social media during work time**

- 5.1 Social Media access is monitored in line with the guidelines set out in the IT Computer Use Policy and staff should have no expectation of privacy when using council equipment for private usage. [N.B personal use should not be in work's time as set out in section 1.4 so should be limited to lunch breaks or before/after clocking on to work.](#)

6. **Social media in your personal life**

- 6.1 The council recognises that many employees make use of social media in a personal capacity. While they are not acting on behalf of the council, employees must be aware that they can damage the council if they are recognised as being one of our employees.
- 6.2 Employees are allowed to say that they work for the council, and it is recognised that sometimes staff may want to discuss their work on social media. However, an employee's online profile (for example, the name of a blog or a Twitter name) must not contain the council's name.
- 6.3 If employees do discuss their work on social media, they must include on their profile a statement along the following lines: "The views I express here are mine alone and do not necessarily reflect the views of my employer." This does not however exempt you from the points as set out in 6.4.
- 6.4 Any communications that employees make in a personal capacity through social media must not:
- bring the council into disrepute, for example by:
 - criticising or arguing with customers, colleagues, [Elected Members](#) or rivals;
 - [writing or knowingly confirming by liking or sharing negative, offensive or making](#) defamatory comments about individuals or other organisations or groups;
 - using foul or abusive language; or
 - posting images that are inappropriate or links to inappropriate content;
 - breach confidentiality, for example by:

- revealing information owned by the council;
 - giving away confidential information about an individual (such as a colleague or customer contact) or organisation (such as supplier or partner organisations); or
 - discussing the council-'s internal workings (such as its future plans that have not been communicated to the public);
- breach copyright, for example by:
 - using someone else's images or written content without permission;
 - posting anything that is copyrighted, including maps; or
 - failing to give acknowledgement where permission has been given to reproduce something; and
- do anything that could be considered discriminatory-, or bullying or harassment of, any individual for example by:
 - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
 - using social media to bully another individual (such as an employee of the council);
 - posting images or links to content that are discriminatory or offensive.

[6.5 As the owner of the social media account the employee should take the necessary measures to ensure that friends or relatives do not access their social media accounts and make any posts or comments that may put the employee at detriment of this policy.](#)

[6.6 Whilst employees need to be aware of their privacy settings, restricting these does not mean that they can post what they want about the Council, individuals or organisations associated with the Council. Postings can be copied by people entitled to access them and sent on to others beyond the control of the original poster. Hence merely having privacy settings does not mean that comments will be kept out of the public domain.](#)

[6.7 Any employee who feels that they have been harassed or bullied, or are offended by material posted by a colleague on to a social media site should inform their manager or a member of the HR Team.](#)

7. Use of social media in the recruitment process

7.1 Unless it is in relation to finding candidates (for example, if an employee has put his/her details on social media websites for the purpose of attracting prospective employers), the HR department and managers will conduct searches, either themselves or through a third party, on social media only when it is directly relevant to the applicant's skills or claims that he/she has made in the recruitment process. For instance, a prospective employee might claim that:

- they have used social media in their previous job (for example, as a publicity tool); or
- their social media use is directly relevant to a claim made in an application (for example, if they run a blog based around a hobby mentioned in a CV or a skill

that they claim to be proficient in).

- 7.2 There will be no systematic or routine checking of prospective employees' online social media activities, as conducting these searches during the selection process might lead to a presumption that the applicant's protected characteristics (for example, sexual orientation or religious or political beliefs) played a part in the recruitment decision.

8. Disciplinary action over social media use

- 8.1 All employees are required to adhere to this and associated policies. Employees should note that any breaches of this policy may lead to disciplinary action. Serious breaches of this policy, for example incidents of bullying of colleagues, [use of inappropriate language, accessing inappropriate and/or offensive channels](#) or social media activity causing serious damage to the [organisationcouncil](#), may constitute gross misconduct and lead to summary dismissal.

9. Equality Impact Assessment and Monitoring

- 9.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

10. Data Protection Act 1998

- 10.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.



Driving at Work Policy

Contents

		Page
1.	Policy Statement	1
2.	Introduction	1
3.	The Legal Position	2
4.	Responsibilities	3
5	Part A: Responsibilities of Drivers of Vehicles Used in the Course of Council Business	3
6	Reimbursement of Travel Expenses	6
7.	Part B: Responsibilities of Drivers of Council Owned Vehicles or Vehicles Hired or Leased by the Council	<u>78</u>
8.	Part C: Management Responsibilities in Relation to Drivers	<u>4011</u>
9.	Part D: Management Responsibilities for Council Owned Vehicles or Vehicles Hired or Leased by the Council	15
10.	Equality Impact Assessment and Monitoring	<u>4617</u>
11.	Data Protection Act 1998	<u>4617</u>

1. Policy Statement

- 1.1 Wyre Council is committed to the delivery of its obligations under Health and Safety legislation and recognises that it has a responsibility not only to protect staff who use motor vehicles on council business but to ensure that others are not put at risk by our work related driving activities.

2. Introduction

2.1 Policy Aims

- To minimise the number of accidents, incidents and injuries resulting from work related driving;
- To define managers' and individuals' responsibilities for work related road safety;
- To ensure risk in relation to work related driving is assessed in a systematic and ongoing way and that safe systems and methods of work are put in place to reduce the risk as far as is reasonably practicable;
- To increase staff awareness of the risks associated with work related driving;
- To ensure that training is available to staff on how to manage the risks associated with work related driving;
- To ensure full reporting and recording of all accidents and incidents arising in the course of work related driving.

In addition the successful management of driving at work, whilst in compliance with legislation, will not only have a direct effect on reducing accident figures, but also a long term cost saving in operational budgets by reducing insurance costs, repair and maintenance bills, running costs, carbon footprint, emissions etc.

Good management will additionally reduce any negative effects on the councils' reputation that may arise from poor driving standards.

2.2 Scope of the Policy

These arrangements apply to all persons engaged in work-related driving activities whilst in the course of their employment for Wyre Council whether they be owner-drivers or users of vehicles that are leased or hired for use on council business or any vehicle owned by the council.

2.3 Definition of work related driving

Work-related driving is defined as: "any driving activities carried out by employees or volunteers in the course of their work whether it is on a frequent or occasional basis".

'Business Use' – for the purposes of this policy business use shall mean:

- Any travel on behalf of the council once you have arrived at your usual place of employment and before you leave it at the end of your day's work; and
- Any travel for the purposes of the council to a location other than your usual place of employment.

- Any travel for the purposes of the council from a location other than your usual place of employment to home or some other place on non-council business.

It shall not include the travel to and from your usual place of employment at the start and finish of your working day, or during any official absences from work e.g. lunch breaks unless the vehicle used is a council owned, hired or leased vehicle.

2.4 **Authorisation to use a motor vehicle on council business**

The use of any motor vehicle for council business will only be permitted when authorised by a [Corporate Service](#) Director or line manager in accordance with this policy and the associated procedure.

3. The Legal Position

- 3.1 It is not intended to go in to detail to explain the whole Legislative Framework but the key areas of legislation are as follows:

The Health and Safety at Work etc. Act 1974 requires employers to ensure:

- So far as is reasonably practicable, the health and safety of all employees while at work;
- That all work equipment is suitable for its intended use and properly maintained and used i.e. that both employees and vehicles (including private vehicles) are fit to be on the road;
- That others are not put at risk by the council's work-related driving activities.

This means that both management and employees can be prosecuted for road traffic accidents involving work-related journeys, even when the driver is using their own vehicle.

3.2 **Management of Health and Safety at Work Regulations 1999**

The Regulations require employers to carry out an assessment of the risks to the health and safety of employees, while they are at work, and to other people who may be affected by their work activities. The Regulations also require a periodic review of all risk assessments.

3.3 **Corporate Manslaughter and Corporate Homicide Act 2007**

This Act sets out a new offence to convict an organisation where a gross failure in the way activities are managed or organised results in a person's death. If found guilty companies, organisations and public bodies face considerable penalties and individuals potential imprisonment.

3.4 **Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2003 (S.I. 2003, No. 2695)**

Prohibits drivers from using a hand-held mobile phone, or similar device, while driving (Note: "driving" also includes a stationary vehicle with the engine running). It also makes it an offence (e.g. for an employer) to "cause or permit" a driver to use a hand-held mobile phone while driving.

3.5 **Other relevant legislation includes:**

- The Road Traffic Act 1991.
- Road Safety Act 2006.

- Health Act 2006.
- Provision and Use of Work Equipment Regulations 1998 (S.I. 1998, No. 2306).
- Workplace (Health, Safety and Welfare) Regulations 1992 (S.I. 1992, No. 3004) – including the provisions of the Health and Safety (Miscellaneous Amendment) Regulations 2002 (S.I. 2002, No. 2174).
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (S.I. 1995, No. 3163).
- Health and Safety (First Aid) Regulations 1981 (S.I. 1981, No. 917).
- Working Time (Amendment) Regulations 2006 (S.I. 2006, No. 99).

4. Responsibilities

4.1 The remainder of this document refers to the operational and safety requirements for the use of motor vehicles on council business and is set out in four parts relating to different categories of staff and management:

- A** Responsibilities of drivers on council business.
- B** Responsibilities of drivers of council-owned vehicles, or vehicles hired or leased by the council i.e. The Green Fleet.
- C** Management responsibilities in relation to drivers.
- D** Management responsibilities for council-owned vehicles or vehicles hired or leased by the Council.

5. Part A: Responsibilities of Drivers of Vehicles Used in the Course of Council Business

5.1 Licence Requirements

All drivers must:

- Be holders of a licence valid for the category of vehicle which they are driving;
- Notify their manager if their drivers licence has been suspended or cancelled or has limitations placed on it;
- Make their licence available for inspection on an annual basis.

5.2 Insurance

Drivers who use their own vehicles must ensure that they have valid insurance for use on council business, and must make their insurance certificate available for inspection as required. Any change of vehicle or terms of insurance must be notified to Human Resources and authorised line manager immediately.

For the purpose of this policy the authorised line manager is a person nominated by your Director to authorise business travel.

Note:

Insurance held in the name of one partner or spouse may not cover both partners or spouses for business use unless this is specifically requested. The council will not accept liability for claims which are not covered by the driver's own insurance

Council property such as computer equipment is insured under the council's policy,

but this excludes theft from an unattended vehicle. Such thefts are unlikely to be covered by the employee's own policy. All such property should be removed from unattended vehicles. If this is impossible in specific circumstances equipment must be hidden from view and preferably locked in a boot.

5.3 **Maintenance of Vehicles**

Staff using their own vehicle(s) for official duties must ensure that they are in a roadworthy condition and that a valid MOT certificate is available for inspection on request. Drivers must also decline to drive any vehicle hired for use on official duty if they have reason to suspect that it is not roadworthy.

5.4 **Legislative Requirements**

Drivers must comply with all traffic and related road safety laws whilst driving on official duties including:

- Adhering to speed limits and the conditions of the Highway Code;
- The restrictions on the use of mobiles;
- The use of seatbelts;
- Not exceeding the maximum load weight for the vehicle;
- Ensuring that goods and equipment to be carried are properly secured.

5.5 **The road user and the law**

It is important to note that references to 'road' generally include footpaths, bridleways and cycle tracks, and many roadways and driveways on private land (including many car parks). In most cases, the law will apply to them and there may be additional rules for particular paths or ways. Some serious driving offences also apply to all public places, for example public car parks.

5.6 **Fitness to Drive**

Drivers must not drive, attempt to drive or be in charge of a vehicle unless they are medically fit to do so. Any medical condition or injury that is likely to have an adverse affect on the ability to drive should be reported to Human Resources and the authorised line manager immediately.

It is also the driver's responsibility to:

- Ensure their eyesight meets the requirements of the Highway Code, with or without corrective lenses.
- To notify the DVLA of any disability or condition which currently affects their fitness as a driver or which might do so in the future (unless the effect of the disability or condition is not expected to last more than 3 months).
- Ensure that they are competent in knowledge and ability to drive particularly when it may be some time since they undertook any formal instruction.

For disabled staff, any necessary reasonable adjustments must be made to the vehicle that they are driving for business use.

5.7 **Substance Misuse**

The problems of driving while under the influence of alcohol or drugs are well known, employees must not consume alcohol or illegal drugs before driving to work.

5.8 **Drinking whilst driving on council business is prohibited.**

Drinking heavily or late the night before means there is still a high possibility of being above the legal limit for driving the following morning. Any drivers found to be driving under the influence of alcohol or illegal drugs will be dealt with in accordance with the Council's Disciplinary Policy.

Any manager who suspects an employee is unfit to drive because they show evidence of being under the influence of alcohol or drugs must stop them from doing so. The Council also reserves the right to call the police if a person is suspected of driving whilst under the influence of alcohol or drugs.

Contraventions of this nature will be regarded as gross misconduct and could lead to dismissal.

5.9 **Smoking**

The council's Smoking Policy prohibits smoking in any Council Vehicle. An employee who uses their private car on council business must also refrain from smoking during those journeys.

The use of e-cigarettes is also prohibited in both Council Vehicles or private cars whilst on council business.

5.10 **Road Traffic Offences**

Drivers are required to report any driving accidents or incidents which occur whilst driving on council business or in a council owned vehicle, and convictions for any driving offences whether arising as a result of driving on council business or not.

~~Wyre Council will not accept responsibility for p~~Payment of any motoring-related penalties or fines and, if using a hire car, for the payment of any administration charges related to traffic offences imposed by the hire company will normally be the responsibility of the employee.

If you believe consideration should be given to the reimbursement of the penalty or fine, for example, if you have had cause to park a vehicle in a restricted area, without in your opinion causing an undue safety hazard, to unload heavy materials, then you will need to submit your case in writing to the relevant Service Director or Chief Executive. Please note employees should pay the fine before seeking reimbursement.

Any driver found breaching traffic or road safety law whilst on council business may face disciplinary proceedings.

Any driver found in charge of a vehicle under the influence of alcohol or drugs whilst on council business may be charged with gross misconduct and could therefore be dismissed from their post. The Council also reserves the right to call the police if a person is suspected of driving whilst under the influence of alcohol or drugs.

5.11 Use of Mobile Phone

It's a specific offence to operate a hand-held mobile phone or similar device while driving and the regulations apply equally to drivers of all types of motor vehicle (including tractors / ride on mowers etc.). The exact definition of "use" of a mobile phone and of "driving" is broader than we think. A driver of a vehicle that is off the road and not moving, may be considered to be driving if the engine is on. Therefore, a driver who stops their vehicle to use their phone, will need to turn their engine off first.

However any driver seen not to be in control of a vehicle whilst using a hands free phone etc. can be prosecuted for that offence.

Wyre Council therefore also prohibits the use of hands-free phones and 2-way radios whilst driving on council business.

The only situation in which it is permitted to use a phone while driving is to dial 999 or 112. This is only allowed if there is a genuine emergency and the driver is unable to stop and park their vehicle at that moment.

5.12 Business Travel

In order to reduce the risk to safety, as well as the environmental and financial impacts, steps should be taken to eliminate all unnecessary business journeys.

Staff are required to:

- Consider alternatives to travelling and make optimum use of diary planning to minimise the number of journeys to be made.
- Use the most economic and efficient method of travel, taking into account the cost of travel, environmental impact and timing factors.
- Use a council vehicle whenever possible.
- Share transport whenever possible.

6. Reimbursement of Travel Expenses

6.1 Car Mileage Claims

Only persons entitled to use their vehicles on official business are allowed to claim travelling allowance. All such persons will have been designated by their Corporate Director as car users and will have been issued with an official log book by the Human Resources Section.

6.2 Use of log book

Full details of every journey must be recorded into the log book. Details must show:

- Date and times of journeys;
- Full details of journey (so as to allow independent verification of mileage claimed);
- Number of passengers;
- Purpose of journey;
- Opening and closing speedometer readings for each journey;
- Miles travelled.

The log book is the sole detailed record of official journeys and must be kept on hand at all times and is subject to inspection on request.

The loss of a log book must be reported to Human Resources immediately.

6.3

All claims should be made in accordance with Wyre Council's Financial Regulations and Financial Procedure Rules. These guidelines apply to all attendances at meetings, courses, seminars etc. Mileage allowances are paid in accordance with the mid band of the Casual User NJC rates.

All travel and subsistence claims should be made monthly using either the HR21 system or the "Staff Travel and Subsistence Allowance" claim form. Officers claims submitted more than two months after the expenses were incurred will be paid only with the express approval of the [Corporate Director of Resources](#) [relevant Service Director of Chief Executive](#). Claims will be paid on or around the 15th of each month with salary payment.

All claims must be authorised by the appropriate line manager who should be a nominated signatory. It is the driver's responsibility to ensure accurate recording of mileage and validity of claims.

Any change of vehicle or use of more than one vehicle should be clearly indicated in the log book and the mileages for different vehicles, should be shown separately on the travel claim forms.

6.4

When travelling long distances it is likely that second class rail transport will be cheaper than travel by car. Officers should be mindful of cost when planning transport for a long journey, although in certain cases public transport may not be the most efficient way to travel.

Officers should normally claim whichever is the cheaper of either public transport costs (eg. second class rail fare) or car mileage allowance, unless:

- It is neither practical nor cost-effective to travel by public transport (e.g. this would entail travelling the previous day and involve overnight accommodation, or include additional transport costs eg. taxi fares).
- The [relevant Service Director of Chief Executive](#) expressly authorises a particular method of travel due to specific operational circumstances (e.g. the shorter travelling time by car as opposed to public transport will make greater use of an officer's time).

6.5

The majority of claims will reflect situations where attendance is required during office hours at another location. The journey is from place of work to location and return to place of work, with the claim reflecting the actual mileage run. All deviations from this normal situation must be appropriately detailed in the Log Book provided, indicating both the total journey undertaken and the actual claim being made.

Where an employee travels to a location other than their normal place of work, either from home or on the way home, expense claims will be considered only in respect of any mileage incurred which is over and above their usual home to work mileage.

Any attempt to submit a false expense claim may be treated as gross misconduct and dealt with in accordance with the Council's Disciplinary Procedure.

6.6

Expenses Claims and Tax

All payments in excess of the HMRC rate for tax allowances (45 pence per mile at

April 2013 or 25 pence on mileage exceeding 10,000) will be classed as a taxable income and will be taken into consideration when calculating tax and national insurance liability at the end of each pay period.

Drivers who are authorised to use council vehicles to travel to and from their normal place of work can only be treated as having no taxable benefit provided that the records of authorised business mileage confirm that there was no personal use of the vehicle.

7. Part B: Responsibilities of Drivers of Council Owned Vehicles or Vehicles Hired or Leased by the Council

This section should be read in conjunction with Part A of this policy.

7.1 Use of Council Vehicles

Wyre Council vehicles must only be used to carry goods and passengers on authorised journeys. Authority shall only be considered to have been given when:

- the journey is for official Council purposes, and/or
- the employee is acting on the instruction of a duly authorised officer of the Council.

Only authorised passengers should be carried in council vehicles, these passengers will be as follows:

- Council employees on duty, or travelling to and from duty.
- Persons engaged on work for or on behalf of the council.
- Persons carried in the event of an emergency.
- Persons transported as part of a council service.
- Other persons as authorised by management.

It is the legal responsibility of a driver to ensure that passengers and goods are carried safely at all times, all passengers should wear seatbelts and all loads must be securely fixed and present no danger to the vehicle occupants or to third parties.

No goods will be carried in a council vehicle other than property which belongs to the Council, or tools, equipment and materials being used on behalf of the Council, or as otherwise authorised by management.

Council vehicles must be kept clean and tidy inside and outside at all times. All equipment must be properly stowed and the vehicle washed as often as is required to keep them clean.

7.2 Authorisation for home to work travel.

All drivers must obtain formal approval for using a Council vehicle for home to office travel, approval will only be given where there is an economic or operational reason for allowing this to happen.

Applications must be made using the "COUNCIL VEHICLES – authorisation for home to work travel form."

Economic or operational reasons include instances where the:

- Home to work base distance is less than the distance between the nearest

- Council approved parking area and the work base.
- Council vehicle is required to provide a service outside normal working hours.
- Risk assessment concludes that the council vehicle is best parked at officer's home address.

The authority for the use of a council vehicle for home to work travel can only continue whilst there is a legitimate business reason for doing so. Any changes in duties, work area in relation to current address etc should be reported to the line manager, the Transport Officer and/or Head of Operations immediately.

7.3 Drivers' Checks

To ensure council vehicles are used safely and kept in a roadworthy condition in compliance with current legislation it is the responsibility of all drivers to ensure that there are no obvious deficiencies in the vehicle. The minimum checks that should be carried out are as follows:

Daily Checks

- Check that the vehicle defect book is in the vehicle.
- Check that the vehicle coolant level is correct.
- Check that the oil levels are correct.
- Check that the windscreen washer reservoir is topped up.
- Check that there is sufficient fuel in the tank.
- Check tyres for wear or damage.
- Check for loose or missing wheel nuts, studs or bolts (where visible).
- Check that lights, reflectors and horns are working.
- Check that all fitted mirrors are correctly adjusted.
- Check that number plates are fitted.
- Check for obvious damage to the vehicle.

Before a trailer is towed, check that the vehicle and trailer are equipped with suitable towing attachments and electrical connections. Where required, a trailer board must be complete with lights, number plate and indicators. Ensure that breakaway cables are in good condition and always secured before moving off.

7.4 Vehicle Security

All Wyre Council vehicles must be garaged or parked overnight in designated parking areas in agreed locations.

Vehicles parked overnight away from the council premises must be legally parked where they will not inconvenience the public or any other road users. Parking problems should be reported to the line management.

A driver in charge of a council vehicle is responsible for the security of the vehicle and its contents whenever the vehicle is left unattended.

The following actions must always be taken on such occasions:

- The parking brake must be engaged.
- All doors and windows must be closed and locked.
- If fitted, anti theft devices must be switched on.
- The ignition key must be removed from the vehicle.
- All valuable items should be removed from the vehicle overnight.

Vehicle keys must be kept secure at all times. Unless there is a legitimate business reason for retaining the keys overnight they should be stored in a secure area as agreed by the line manager.

Following these procedures will ensure that all unauthorised movement can be clearly identified by means of the tracker system ~~alarm~~.

7.5 Accidents, Damage or Theft

The driver should:

- Immediately report any accident, damage or loss to the line manager, Transport Manager, Insurance and Business Continuity Officer and where required the police;
- Under no circumstances admit liability or make offer of payment to a third party or insurer;
- Obtain the full name and address of each driver and witnesses together with the registration number of the vehicle(s) involved;
- Ensure that the vehicle and its contents are secured until such times as the vehicle can be moved. If the Police have been involved the vehicle should only be moved once it has been established that their initial investigation has been completed.

Wherever possible photographs and a detailed sketch (showing road markings) may also assist if liability is subsequently disputed.

An incident report form giving full details of any incident must be submitted to the Transport Officer within 24 hours. All damage should be recorded in the vehicle effect book and be attended to as soon as possible.

7.6 Defect Reporting Repairs and Breakdowns

As soon as a defect is noticed or damage has occurred the Transport Manager and line manager should be informed immediately.

The Transport Section will either attend the vehicle at the roadside or arrange for recovery of the vehicle. Only the Transport Section is authorised to carry out repairs or to instruct a third party to carry out repairs on council vehicles.

7.7 Training

All users of official vehicles are given basic training by the Transport Manager. This training will include a driver assessment and an introduction to the vehicle checking and reporting procedures.

7.8 The Masternaut Tracking System

A Vehicle Tracker system has been installed on the majority of the council's vehicles. This will ensure that we improve efficiency by assisting with workload planning and protect our vehicle assets and employees. It will also provide valuable data to enable us to minimise our carbon footprint.

[Staff who drive vehicles fitted with the masternaut system are issued with tracker keys](#)

which should be used for each journey. These keys identify the driver of the vehicle and it is therefore important that staff do not allow other drivers to use the vehicle whilst their tracker key is being used. Doing so would potentially leave the staff member liable for prosecution of any offence that may occur when the vehicle is being used by another driver.

How is it managed?

- All managers responsible for vehicles are able to scrutinise the system to identify vehicle location etc. They also receive regular performance reports that enable them to monitor driver journeys, speed, idling time (with or without engine running), ~~times at home address, vehicles stationary for more than one day~~ etc.
- A manager is only able to monitor the operation of the vehicles that he or she has responsibility for.
- The Transport Manager and certain nominated officers have access to the complete system so as to monitor the overall performance of the fleet.

Wyre Council accept that staff are entitled to a degree of privacy in the work environment. It is therefore not intended to enter into intrusive monitoring, however the council reserves the right to introduce direct monitoring if the performance reports indicate that a driver is in serious breach of the council's Policies and Procedures.

Any driver found breaching these policies and procedures or traffic/road safety laws whilst driving a council vehicle could face disciplinary procedure.

All managers and authorised users of the system are fully trained and aware of their responsibility under the Data Protection Act.

8. Part C: Management Responsibilities in Relation to Drivers

8.1 To ensure that all employees of Wyre Council remain fully compliant with legislation, arrangements must be in place to manage driving at work. Managers should be confident that as a minimum, systems are in place to control the risks that the systems are followed and correctly supervised and that compliance with policies and procedures is monitored.

In addition management of business mileage can help generate benefits in the following key areas:

- health and safety - ensuring fulfilment of duty of care for employees driving for work and avoiding financial and reputational damage linked to road-related accidents and injuries;
- environmental sustainability - reducing carbon emissions by removing unnecessary road mileage and transferring travel to public transport and pool and hire cars with lower emissions;
- financial efficiency - achieving direct cost savings by reducing the number of journeys made and promoting the use of the most cost effective method of transport in each case.

Some elements of Managing Driving at Work will be delivered corporately:

Human Resources

Inspection of documents for use of private vehicles.
Occupational Health Assessments

Health & Safety

Current Health and Safety legislation
Accident/Incident Recording
Accident/Incident Investigation

Risk & Insurance

Provision of insurance cover
Claim management
Risk management information

The Transport Manager manages the Council Fleet including Operator Licensing, driver assessments, and maintenance of vehicles.

Managers must be able to satisfy themselves that all procedures for managing driving at work are being adhered to.

8.2 Who advises on Driving at Work?

The initial point of contact on matters regarding work related driving is the Transport Manager who will be able to advise on matters relating to vehicles and driving. The Insurance and Business Continuity Officer, Human Resources, and the Health and Safety Advisor will advise on risk to the council from its' driving activities and the measures required to manage those risks.

8.3 Document Checks

Managers must ensure that each driver:

- Holds a driving licence that is current and appropriate for the vehicle used for council business.
- Does not have a health problem, which may place a restriction on their ability to drive.
- Has successfully completed any assessment or training to drive the vehicle(s) associated to the post - **Council operated vehicle only**.
- Is aware of this policy and its associated guidelines.
- Has submitted all the required documentation in terms of driving licence, insurance for use of a private vehicle on council business, MOT certificates etc. to the Human Resources Section either at the recruitment stage or prior to the use of the vehicle.

The Human Resources section will assist managers by maintaining a system of annual checks on all drivers.

Checks will also be required following Road Traffic Accidents (RTA), changes in health or licence category restrictions which may rule the employee unable to continue driving a vehicle on behalf of the council. Managers are therefore required to inform

Human Resources immediately they become aware of such instances.

8.4 **Assessment of Risk**

It is the manager's responsibility to conduct a risk assessment on individual driving duties. This may be of a generic nature linked to a particular post outline.

See arrangements for Risk Assessment OH&S No 0003 which are available on the council's intranet (Health and Safety – Corporate Health and Safety Documents). Copies can also be obtained from the Human Resources team.

A post may require the employee to:

- Operate a vehicle owned, hired or leased by the council;
- Use their own means of transport;
- Hold a particular category of driver licence e.g. LGV.
- Provide evidence of a particular level of competence e.g. Minibus or Mini-digger;
- Drive in adverse weather conditions;
- Drive during unsociable hours;
- Travel beyond the council boundaries.

Once the Risk Assessment has been carried out, suitable control measures must be introduced to remove or reduce the associated hazards.

In addition the manager will:

- Deal with reports of any accidents, driving incidents and near misses.
- Ensure vehicle inspections are taking place.
- Ensure that all faults are being reported and repaired.
- Ensure that vehicles are kept clean and free from equipment that may hinder safe driving.
- Ensure that drivers do not put themselves unnecessarily at risk by driving beyond their capabilities or travel unnecessarily in adverse weather conditions etc.
- Identify any training needs and deal with any driving-related concerns raised by staff.

Where it is identified that a qualified driver poses a risk to him/herself and /or others then the Corporate Director will in consultation with the Occupational Health Advisor and Health and Safety Advisor determine whether or not that driver can continue to drive Council owned vehicles.

The Manager must:

- obtain as much relevant information as possible from the employee, including why their driving may be affected
- get advice from Human Resources if the proposed action is likely to have a significant effect on the individual's employment
- take them off driving duties until further clarification can be obtained
- refer them to the Council's Occupational Health Service to:
 - confirm the employee's condition and that it stops them from
 - driving
 - advise whether the condition is permanent

- [advise on the suitability of temporary or permanent](#)
- [redeployment](#)
- [advise on reasonable adjustments](#)

8.5 Deterioration in driving performance

Managers must investigate formal written complaints based on observations of poor driving to assess whether driver assessment is necessary.

Get advice from Human Resources if you are considering any of the redeployment options below, as this could have a significant effect on the individual's employment.

Options available to the manager are:

- the employee has driving tuition
- to initiate the capability procedure
- they're redeployed temporarily to a job that doesn't involve driving
- they're redeployed permanently to a job that doesn't involve driving.

The Transport Manager monitors fleet vehicle incidents. Where a fleet vehicle driver has **two** incidents for which they're at fault, the Transport Manager will contact their manager who will take action in accordance with advice from Human Resources.

Where it is considered that an employee's driving performance has deteriorated to such an extent that the Council has no confidence in their ability to drive safely, and all the options described above have been considered, the Council may have no alternative but to dismiss the employee. This action will only be taken in consultation with Human Resources.

8.6 Monitoring Business Travel

Significant additional miles can be driven through poor planning, or sending vehicles to short notice appointments when they are not necessarily the nearest available.

It is the line manager's responsibility to ensure that:

- Staff travelling within work make maximum use of council vehicles or explore public transport options before using their private cars.
- Staff members attending an event where public transport is not viable, seek to use the most economical form of transport and lift share where possible.
- Staff make optimum use of diary planning to minimise the number of journeys to be made.

8.7 Authorisation of Mileage Claims

It is the line manager's responsibility to check that:

- They agree that the journeys claimed for have been undertaken.
- The vehicle used is the one recorded as the authorised vehicle.
- The claim represents the most appropriate way of travelling, bearing in mind cost and time taken.
- [The journey has taken place within the last 2 months.](#)

All unreasonable looking claims should be challenged and refused if they cannot be justified. [Any claim submitted after 2 months of the event must be referred to the](#)

[relevant Service Director of Chief Executive \(see section 6.3\).](#)

Most claims will be made via the HR21 system which is set up to recognise authorised line managers. Any other claims should be made on the “Staff Travel and Subsistence Allowance” form which will need to be signed by an authorised line manager. It is the line manager’s responsibility to ensure they are registered as an authorised signatory’ before authorising claim forms. The Human Resources section retain details of all current authorised signatories and will reject claims that are not correctly approved.

8.8 **Monitoring Use of Council Vehicles**

Data from the Masternaut system should be scrutinised to ensure that drivers use the most direct routes and that the operational efficiency of the fleet is maximised through planning work schedules that make more efficient use of council vehicles.

From an environmental perspective the three most important issues to be managed are:

- Speeding – the excessive use of speed will significantly increase the vehicle’s fuel consumption and therefore the council’s cost and CO2 emissions.
- Engine Idle Time – an idling engine is extremely inefficient and therefore an unnecessary and costly waste of fuel.
- Out of Area Operations – although this is principally an operational management issue in terms of employee productivity, this information will also highlight where additional and potentially unnecessary mileage is occurring.

It should also be noted that driver behaviours such as aggressive acceleration and braking will also increase fuel consumption.

The reporting of these behaviours will be particularly useful as they can aid the targeting of driver training sessions and promote best practice.

8.9 **Dealing with Infringements**

Although the vehicle tracker system has been installed with a view to improving efficiency and work force planning, managers are required to deal promptly with any safety infringements identified.

Failure to deal with blatant breaches of traffic or safety law for instance could not only bring the council into disrepute but could constitute a major breach of Health and Safety Law. The Council has a duty of care towards staff and road users and persistent misuse of a council vehicle cannot be tolerated.

Breaches of this nature may be dealt with under the Disciplinary Procedure. Vehicle accidents are one of the most common and serious causes of industrial injuries for office-based staff. Managers should:

- Include provisions related to safe driving in their Health and Safety Action Plans.
- Consider assisting staff to undertake refresher driving courses.
- Not place employees under pressure which results in unsafe driving.

This section should be read in conjunction with Part C of this policy.

9.1 The Transport Manager has responsibility for ensuring that council operated vehicles are:

- Procured following the council policy;
- Fit for the purpose intended;
- Correctly maintained and regularly inspected;
- Secure with systems in place for recovery in the event of breakdown or accident;
- Constructed and used in accordance with legislation.

9.2 **Vehicle Documentation**

The Transport Manager will:

- Ensure that all council vehicles are appropriately licenced and that they are tested by their due date, in line with MOT legal requirements.
- Make arrangements for an annual inspection of driving licences held by all employees permitted to drive council vehicles.
- Make all documents relating to council vehicles including the Wyre Council certificate of insurance and MOT test certificates available for inspection.

The Transport Section will also make arrangements for the following documents to be made available in every vehicle at all times:

- vehicle defect book;
- a next inspection and service sticker;
- the service schedule and record;
- daily inspection checklist.

9.3 **Management of the Masternaut Tracking System**

The Transport Manager will be responsible for the overall management of the Masternaut system and will use the data obtained to assist in maximising efficiency savings and minimising fleet emissions through mileage and fuel management.

9.4 **Vehicle Safety Inspections and Repairs**

All vehicles maintained by the council must be made available for safety inspections and routine servicing in accordance with the schedule provided by the Transport Manager.

The Transport Section should be contacted immediately if there is any doubt about the safety of a vehicle. They will either arrange for transfer of the vehicle to the Council Depot for repair or carry out an inspection of the vehicle at its location.

All hired vehicles must be checked for damage immediately on receipt and the hire company notified of any discrepancies in their record of vehicle damage.

9.5 **Fuel**

~~The Transport Manager will ensure that there are effective procedures in place for monitoring fuel consumption and will use information provided by the Masternaut System to:~~

- ~~Set fuel economy benchmarks for each vehicle type.~~
- ~~Create reports for all vehicles that do not meet their benchmark.~~
- ~~Identify underperforming vehicles and drivers and advise on corrective action.~~

9.65 'O' Licence and special licence requirements

The Council is required to hold a special licence to operate vehicles over 3.5 tonnes (an 'O' licence). The Transport Manager will be responsible for meeting the obligations covering inspection, servicing, operational management and record keeping on such vehicles.

10. Equality Impact Assessment and Monitoring

- 10.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

11 Data Protection Act 1998

- 11.1 In implementing this policy, the council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.



Disciplinary Policy and Procedure “Protected Officers”

**(Chief Executive, Chief Finance Officer
and Monitoring Officer)**

TABLE OF CONTENTS

Contents		
		Page
1.	Introduction	1
2.	General Guidelines and Principles	1
3.	Procedure	2
4.	Disciplinary Hearing	3
5.	Sanctions	4
6.	Examples of Gross Misconduct	6
7.	Order of Conduct of Disciplinary Hearing	6
8.	Equality Impact Assessment and Monitoring	87
9.	Data Protection Act 1998	87

1. INTRODUCTION

- 1.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 introduced specific regulations that make distinctive provisions for certain protections to be in place in the event of disciplinary action being considered against a Local Authority Chief Executive, Chief Finance Officer or Monitoring Officer. These officers will be referred to as the 'Protected Officers'.

This formal procedure reflects the requirements of these Regulations and the model procedures within the JNC handbooks for Chief Executives (updated Sept 2009) and Chief Officers of Local Authorities (updated April 2013).

Where an allegation is made relating to the conduct or capability of a protected officer or there is some other substantial issue that requires investigation and where this may potentially lead to dismissal, the matter will be considered as set out below by the Independent Investigation Officer and Senior Officer Disciplinary Committee prior to final decision by Full Council if a recommendation to dismiss has been made. This includes situations of significant sickness absence where the next stage may be termination of employment (other than formal ill health retirements).

2. GENERAL GUIDELINES AND PRINCIPLES

- 2.1 In general, informal conciliation is to be preferred if it can bring about a mutually agreed solution to the problems that have arisen.
- 2.2 Any officer within the scope of this policy has the right to be accompanied by a trade union representative or work colleague at any stage of the procedure. They and/or their representative have the right to put their side of the case and to call witnesses.
- 2.3 The procedure:
- specifies who has the authority to take disciplinary actions
 - ensures that action is not taken without careful investigation
 - gives clear details of time scales and any deadlines associated with the various stages of the procedure.
- 2.4 The Service Director Performance and Innovation should be informed of all disciplinary concerns raised in respect of the Protected Officers. North West Employer Organisations will be the Council's main point of contact for advice and guidance on the employment and legal implications of dealing with the complaint. They will also attend and be involved in any part of the process as appropriate.
- 2.5 If the officer concerned is a trade union steward or representative, the Council will inform the regional office of the trade union concerned prior to commencement under this procedure.

- 2.6 At all stages in the procedure confidentiality must be respected by all the parties involved.
- 2.7 No officer will be dismissed for their first breach of discipline, unless it is a case of gross misconduct.
- 2.8 The application of this policy and procedure will be non-discriminatory irrespective of an employee's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender or sexual orientation.

3. PROCEDURE

3.1 Preliminary Investigation

- 3.1.1 Where an allegation is made against a Protected Officer the Service Director for Performance and Innovation will contact North West Employers Organisation in order to obtain advice on:
- the seriousness of any complaint or allegation;
 - whether it is appropriate to suspend the officer (see 3.2 below);
 - the commissioning of an Independent Investigation Officer (this will normally be an experienced person recommended by NWEO).
- 3.1.2 The Independent Investigating Officer will notify the officer concerned of the allegations which are being investigated and that they will be given the opportunity to make representations on their behalf.
- 3.1.3 The Independent Investigating Officer may inspect any documents relating to the conduct of the officer which are in the possession of the Council or which the Council has power to authorise them to inspect.
- 3.1.4 The Independent Investigating Officer may require any employee to attend an interview as part of the investigation to answer questions concerning the conduct of the officer concerned
- 3.1.5 The Independent Investigating Officer will interview the officer concerned giving at least 5 working days' notice in writing of the requirement for them to attend any investigative meeting. The letter should also give them an appropriate amount of information about the allegations and their right to be accompanied by a trade union representative or work colleague at the interview.
- 3.1.6 The Independent Investigating Officer will produce a report for the Senior Officer Disciplinary Committee. This report will:
- state whether (and if so the extent to which) the evidence they have obtained supports any allegation of misconduct against the officer; and
 - recommend whether it is appropriate for disciplinary action to be taken against the officer.

3.1.7 Where disciplinary action is recommended the Service Director Performance and Innovation will arrange a disciplinary hearing with the Senior Officer Disciplinary Committee.

3.2 Suspension

3.2.1 Where there is enough evidence to suggest that the officer may be guilty of gross misconduct or where the officer's continuing presence at work compromises the investigation or impairs the efficient exercise of the Council's functions, the officer will be suspended from duty. The suspension will be on full pay and last no longer than 2 months unless an extension is recommended by the Independent Investigating Officer see 3.2.5.

3.2.2 Gross misconduct is generally defined as misconduct serious enough to destroy the employment contract between the employer and the employee and to make any further working relationship and trust impossible. (See section 7)

3.2.3 An officer will be informed in writing at the earliest opportunity stating the reasons for the suspension, who they may contact within the Council while they are suspended and that suspension will be on full pay and should last no longer than 60 days (unless there are exceptional circumstances).

3.2.4 It will be made clear to the officer that suspension is not a disciplinary penalty and that it will not prejudice any future disciplinary hearing.

3.2.5 The Independent Investigating Officer may recommend

- that the Council terminates any suspension of the officer;
- that any such suspension must continue after the expiry of ~~60 days~~ 2 months.

3.3 Cases Involving Child Protection, Vulnerable Adults or Financial Irregularities, or Wider Issues for the Council

3.3.1 Any complaint involving allegations relating to child protection issues or vulnerable adults must be discussed with the designated senior manager for Children & Young People or Adult Social Services, as appropriate at Lancashire County Council.

3.3.2 In accordance with the Financial Regulations and Financial Procedure Rules the Audit and Risk Manager must be notified of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. The Audit and Risk Section will undertake all such investigations as are considered necessary, including notifying and liaising with the police where criminal offences are suspected. The results of the Audit investigations will form part of any action taken under this Disciplinary Procedure.

4. DISCIPLINARY HEARING

If the Senior Officer Disciplinary Committee accepts a recommendation to proceed to a full disciplinary hearing this will be convened in accordance with the arrangements described below.

4.1 The officer must receive formal notice of a disciplinary hearing. The letter must give at least 5 working days' notice of the hearing and will include:

- confirmation that the Senior Officer Disciplinary Committee will act as the Hearing Panel;
- the date, time and location of the hearing;
- the investigation report, which will include details of the allegations;
- any other supporting evidence and any witnesses that will be called;
- the fact that the officer will have the opportunity to state their case and call and/or question any witnesses;
- the fact that the employee will have the right to invite a trade union representative or work colleague to represent them;
- any previous warnings that could be taken into account when deciding the level of any disciplinary action;
- the fact that, depending on its findings, the hearing could result in disciplinary action and (adding where appropriate) that this could include dismissal.
- the right to submit a written statement to the Hearing Panel.
- a request that any documents which the officer wishes to be considered and details of any witnesses s/he intends to call are provided to Service Director for Performance and Innovation at least 3 working days before the hearing.

4.2 An appropriate independent employment specialist will attend with the Hearing Panel.

4.3 A model conduct of the disciplinary hearing is shown in section 7.

4.4 The Senior Officer Disciplinary Committee will be required to reach a decision and

- may exonerate the officer; or
- state their opinion as to whether (and if so the extent to which) the evidence they have obtained supports any allegation of misconduct against the officer;
- determine the disciplinary sanction if any (see Section 5)

5. SANCTIONS

5.1 The disciplinary process can be instigated at any stage dependant on the seriousness of the alleged misconduct. If, following an investigation and disciplinary hearing, disciplinary action is required, the following options are available:

5.2 Written Warning

A written warning may be given where:

- Informal attempts to resolve the matter have failed, or

- the matter is considered to be too serious to be resolved by informal processes.

5.3 **Final Written Warning**

A final written warning may be given where:

- The officer's conduct has not improved as a result of previous written warning(s), that warning is still in force and he/she has committed a further offence requiring disciplinary action.
- No previous warning is in force but the officer has committed an offence which is serious but does not warrant dismissal.

5.4 **Dismissal, and dismissal with offer of re-engagement**

If, following an investigation and disciplinary hearing, the Senior Officer Disciplinary Committee is satisfied that the officer is guilty of gross misconduct the matter must be referred to Full Council as a notice of dismissal of the Protected Officer may only be given upon the majority vote of the Full Council.

Before making a decision the Full Council will consider –

- the Independent Investigating Officer's report;
- any representations from the relevant officer;
- the advice, views and recommendations of the Senior Officer Disciplinary Committee.

The Full Council may decide to:

- Take no further action.
- Recommend informal resolution or other appropriate procedures.
- Refer back to the Independent Investigation Officer for further investigation and report.
- Take disciplinary action against the protected officer short of dismissal.
- Dismiss the protected officer.

It should be noted that the Council's decision is the final stage in the process and in effect constitutes the appeal stage as well.

5.5 **Written confirmation of sanctions**

The officer will receive written confirmation of the Hearing Panel's decision, together with:

- full details of the sanction;
- the reason for the sanction;
- whether it is a written warning, final warning or dismissal;
- the fact that a note will be kept on their personal file indicating that a warning has been given, the reasons for it and any required improvements in conduct which have been specified;

- the fact that further misconduct may lead to further disciplinary action which could include dismissal;
- the fact that the warning will be disregarded for further disciplinary purposes after the expiry of the time period.

5.6 Time limits for warnings

Unless there are exceptional circumstances, disciplinary warnings will be disregarded for disciplinary purposes once the following periods of time have elapsed since the warning was given:

- written warnings – 12 months
- final written warnings – normally 24 months

5.7 Right of Appeal

An officer may only appeal against a sanction that is short of dismissal or of dismissal with offer of re-engagement.

The appeal should be made to the Service Director of Performance and Innovation within ten working days of being told the decision in writing. The officer must explain the grounds for the appeal, specifying whether it relates to the facts of the matter, the level of sanction imposed or the way the procedure was followed.

All appeals will be heard by an Appeals Committee which must be a politically balanced committee of five members who are not members of the Senior Officers Disciplinary Committee, one member must also be a member of the Executive Committee.

The Appeals Committee will review the decision taken, consider whether the procedure has been followed correctly and either:

- i. uphold the appeal;
- ii. reject the appeal in full;
- iii. reject the appeal in part and award a lesser sanction.

6. EXAMPLES OF GROSS MISCONDUCT

6.1 Some of the offences which may be regarded as gross misconduct are (this list is not exhaustive)

- theft, unauthorised use or removal of the council's, a service user's, a client's or a fellow employee's property
- falsification of time-sheets, expenses claims or other records
- fighting or physical assault
- sexual or racial harassment
- harassment or discrimination on the grounds of race, gender, sexuality, disability, age or religious belief
- deliberate damage to council or a fellow employee's property

- inability to carry out normal work through being under the influence of alcohol or other drugs (medically prescribed drugs may be an exception)
- deliberate disregard for safety rules
- serious negligence causing unacceptable loss, damage or injury
- a serious breach of the Code of Conduct
- misuse of an employee's official position for personal gain, or for the inappropriate benefit of a friend, colleague or member of the employee's family
- failure to comply with a reasonable management instruction, despite being warned of the consequences
- abuse of a service user
- Non disclosure of criminal convictions, cautions, and bans e.g. from driving that have occurred during the employees employment with the council

7. ORDER OF CONDUCT OF DISCIPLINARY HEARING

- 7.1 The Hearing Panel Chairman will begin the formal hearing by
- introducing the people present
 - explaining the purpose of the meeting
 - checking any arrangements for representation
 - outlining the format to be followed
- 7.2 The Independent Investigating Officer presents the case from their investigation, referring to any documents and witnesses.
- If they call a witness -
- they will question the witness
 - the employee or their representative may question the witness
 - the Hearing Panel and their advisor may ask questions of the witness
- 7.3 The Officer or their representative can then question the Independent Investigating Officer.
- 7.4 The Hearing Panel and their advisor may question the Independent Investigating Officer.
- 7.5 The Officer or their representative presents the officer's response - which will include any mitigation, referring to documents and witnesses where appropriate.
- If the officer or their representative calls a witness -
- They will question the witness
 - The Independent Investigating Officer may question the witness
 - The Hearing Panel and their advisor may ask questions of the witness
- 7.6 The Independent Investigating Officer questions the officer or their representative on their response to case.
- 7.7 The Hearing Panel and their advisor may question the officer or their representative.

- 7.8 Summing up by each side. The Independent Investigating Officer sums up the case first. The Officer/representative sums up last. New evidence should not be introduced during summing up. However the Hearing Panel reserves the right to seek further information where it appears that there may be new evidence that could affect the outcome of that decision.
- 7.9 The Hearing Panel and their advisor adjourn to consider and decide on whether the allegations are substantiated and (taking into account any current warning) on any consequent action.
- 7.10 All parties are recalled and informed of the decision, the rationale for making that decision and that written confirmation will follow.

Where the decision is to issue sanction short of dismissal, the officer will also be informed of their right of appeal.

Where the decision is to recommend dismissal or dismissal with an offer of re-engagement the matter will be referred to Full Council and action will continue as 5.4 above.

~~_____ , the right of appeal and that written confirmation will follow.~~

8. EQUALITY IMPACT ASSESSMENT AND MONITORING

The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

9. DATA PROTECTION ACT 1998

In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.



Employee Code of Conduct

Contents

		Page
1.	Introduction	1
2.	<i>Standards of Conduct</i>	1
3.	<i>Proper Use of Council Resources</i>	2
4.	<i>Political Neutrality</i>	3
5.	<i>Disclosure of Information</i>	4 3
6.	<i>Relationships</i>	4
7.	<i>Interests</i>	5
8.	<i>Gifts and Hospitality</i>	6
9.	<i>Fraud and Corruption</i>	7
10.	<i>Breaches of the Code of Conduct</i>	8
11.	<i>Equality Impact Assessment and Monitoring</i>	8
12.	<i>Data Protection Act 1998</i>	8

Appendix 1: Rules of Conduct

Wyre Council Code of Conduct

1.	Introduction
1.1	<p>The public is entitled to expect the highest standards of conduct from all Council officers. Your role is to serve the Council in delivering services to the local community, providing advice and implementing its policies. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.</p> <p>This Code applies to all Wyre Council staff and describes the minimum standards of behaviour required. Maintaining these standards will ensure best practice and protect you from misunderstanding or criticism. Where the Council has a policy or protocol that provides more detail on specific issues, the name of the policy or protocol is in italics at the end of a section.</p> <p>For ease of reference the main rules of conduct are listed in Appendix 1 but more detailed information is included below.</p>
1.2	Key Points <p>There are four key points to remember in all that you do: ensure your conduct:</p> <ul style="list-style-type: none">• is never influenced by personal gain;• could not give anyone reason to question your motives;• is always in line with the Council's policies and procedures.• does not bring the Council into disrepute.
1.3	The Council's Constitution <p>The Council has certain powers and duties that are set out in a formal document, the Constitution. The Council must act under the Constitution and the law; otherwise it will be acting ultra vires, that is, beyond the scope or in excess of its legal power or authority.</p> <p>While you may not use the Constitution in your day-to-day work it is a useful reference for all matters relating to the composition of the Council, rules about members and committee meetings, financial and procurement procedures and other issues of relevance to officers.</p> <p><u>The Council has adopted a protocol to govern the relationship between members and officers which forms part of the Constitution.</u></p>
2.	Standards of Conduct
2.1	<p>You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you, and in such a way as to preserve public confidence in your authority.</p>
2.2	<p>You have a general duty to act in the interests of your authority as a whole and the local community it represents.</p>

2.3	As well as avoiding actual impropriety, you should avoid any appearance of improper behaviour.
2.4	Where you have private interests which conflict with your public duty you must resolve this conflict in favour of the public interest.
2.5	You should make relevant declarations of interest whenever you consider that your personal interests may be in conflict with the authority's interests.
2.6	You should work with <u>colleagues and</u> councillors in a spirit of mutual respect and co-operation.
2.7	When making appointments, awarding contracts, or transacting other business, you should ensure that your decisions are made solely on merit.
2.8	You should ensure that confidential material, including material about individuals, is handled in accordance with legislative requirements.
2.9	You should avoid accepting gifts and hospitality that might reasonably be thought to influence your judgement.
<u>2.10</u>	<u>You should ensure that your profile and related content on social media is consistent with how you wish to present yourself to the public. Using your public voice to criticise or embarrass the Council, councillors, colleagues or customers is not acceptable.</u>
<u>2.11</u>	<u>You should not post or forward a link to any abusive, discriminatory, harassing, derogatory, defamatory or inappropriate content i.e. anything that your colleagues, councillors, customers, clients etc. would find offensive, insulting, obscene and/or discriminatory.</u>
<u>2.12</u>	<u>When disagreeing with others' opinions on social media keep comments appropriate and polite at all times. Ensure that your social interaction does not damage working relationships, provoke, attack or offend others.</u>

3.	Proper Use of Council Resources
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3.1	<p>The Council is responsible for the efficient use of the public resources it controls including financial resources, equipment and its staff. You must not use council premises, property or facilities unless authorised to do so. Some facilities, such as photocopying, may be made available to officers for private use on agreed terms and with prior approval.</p> <p>All officers have a duty to abide by the highest standards of probity in dealing with financial issues. You must operate within the financial regulations and financial procedure rules to ensure that all the Council's transactions, material commitments, contracts and other essential accounting information is recorded completely, accurately and on a timely basis.</p> <p>You are required to ensure that Internal Audit and the Council's external auditor are given access at all reasonable times to premises, personnel, documents and assets that they consider necessary for the purposes of their work.</p>
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3.2	<p>Use of Technology, Telephones, Internet and Email</p> <p>You should be familiar with the rules relating to personal use of equipment, the prohibitions on accessing or downloading racist, sexist, pornographic or violent websites or material, virus protection and the use of unapproved software.</p> <p>Users must ensure that they use social media sensibly and responsibly, in line with council policy. They must ensure that their use will not adversely affect the council or its business, not be damaging to the council's reputation and credibility or otherwise violate any council policies.</p> <p>Officers may make personal telephone calls using the landline whilst at work but such calls should be kept to a minimum. All personal use of a works mobile will be charged at the full rate.</p> <p>The Council does allow for personal use of e-mail and the internet providing that it is not excessive, does not interfere with your normal activities and it is made clear that any message sent is not on behalf of the Council.</p> <p>For further information see:</p> <p><i>ICT Computer Use Policy</i> <i>Social Media and Employment Policy.</i></p>
<p>4. Political Neutrality</p>	
4.1	<p>Advice to Members</p> <p>Employees serve the Council as a whole and not any political grouping or individual Councillor. Employees must always operate in a fair and even-handed manner.</p> <p>Employee support is limited to information and advice on Council business. It does not extend to Party or external business.</p> <p>Employees need to be aware that should they attend political group meetings these may include non-members of the Council who are not subject to the Council's Code of Conduct.</p> <p>When providing information or advice to political groups, Employees must at all times maintain confidentiality and political neutrality.</p>
4.2	<p>Politically restricted posts</p> <p>Some local government employees are contractually prohibited from participating in certain "political activities" namely: as set out below and -the Council is obliged, by law, to enforce this contractual obligation.</p> <ul style="list-style-type: none"> - Chief Executive; - Monitoring Officer; - Section 151 Officer; - Corporate Service Directors; - All posts where the salary is or exceeds spinal column point 44 (Grade 12);

- Posts where the holders are responsible for advising members or speaking on behalf of the authority on a regular basis (even where the salary is below point 44);

Where a local authority employee holds a politically restricted post, he/she may not:

- be an elected member of another authority (except Town or Parish Councils);
- hold office in a political party;
- canvass on behalf of a political party;
- become an MP or an MEP.

This restriction includes a prohibition on public acts in support of a political party such as canvassing and speaking or writing publicly in a personal capacity on subjects that are politically controversial, but other [non political](#) public protests can be made in the same way as other officers.

~~The Council is obliged, by law, to enforce this contractual obligation.~~

5. Disclosure of Information

5.1 Confidentiality

Confidential information obtained in the course of your work must not be divulged to any person (inside or outside the Council's employment) who is not authorised to receive it, unless there is a requirement by law to do so. Similarly, no information concerning another employee's affairs, known about through work, is to be given to any person not authorised to receive it, without the consent of that employee.

If you are in any doubt about disclosing information then you are expected to seek guidance from your manager.

5.2 Transparency Code / Freedom of Information

The Council is committed to open government and the law requires that certain types of information must be made available to members, auditors, government departments, service users, and the public. In particular, the Freedom of Information Act 2000 gives a legal right of access to information held by the Council, subject to certain exemptions.

For further information or guidance concerning freedom of information requests please contact the legal services team and for the Open Data/ Transparency Code please contact the transformation team.

6. Relationships

- 6.1 Employees should always remember their responsibilities to the community and should provide courteous, efficient and impartial service delivery to all groups and individuals within the community.

~~The Council has adopted a protocol to govern the relationship between members and officers which forms part of the Constitution.~~

<p>6.2</p>	<p>You are also expected to apply the same high standards of conduct in your dealings with colleagues as with the public. The disruption of other's work or the acting in any way that unnecessarily makes the tasks of others more difficult or more time consuming is unacceptable behaviour.</p> <p>Relationships with Contractors</p> <p>Orders and contracts must be awarded on merit, by fair competition, in accordance with the Council's Financial Regulations and Financial Procedure Rules.</p> <p>You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts.</p> <p>Those involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.</p> <p>Employees who are privy to confidential information on tenders or costs for either internal or external contracts should not disclose that information to any unauthorised party or organisation.</p>
<p>6.3</p>	<p>Appointments and other employment matters</p> <p>All appointments should be made on merit and in accordance with the Council's agreed procedures. In order to avoid any possible accusation of bias, managers should not be involved in an appointment where they are related to an applicant, have a close personal relationship outside work with him or her, or if their knowledge of an applicant is such that they cannot maintain objectivity.</p> <p>Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a friend, partner, relative or a person to whom the employee owes (or is owed) an obligation.</p>
<p>7.</p>	<p>Interests</p>
<p>7.1</p>	<p>Personal Interests</p> <p>Personal interests that may impinge or might reasonably be deemed by others to impinge on an employee's impartiality or conflict with the duty owed to the Council should be declared in writing. These could be an officer's interests outside work, membership or affiliations to societies or clubs, business interests etc. Anything that may lead to allegations of bias or favouritism; whether it is financial or political, should be declared.</p> <p>Employees must also declare any financial or non-financial interests that they consider could bring about conflict with the Council's interests, for instance:</p> <ul style="list-style-type: none"> • membership of an organisation receiving grant aid from the council • membership of an organisation or pressure group which may seek to influence the Council's policies

- having a beneficial interest in property or land which is within the Council's district and is subject to any Council business e.g. subject to housing benefit / planning application etc.
- A financial interest (directly or indirectly) in a contract which the Council is about to enter into (or has already done do). This applies to an employee who is a member, a partner or an employee of a company or organisation party to a contract.

7.2 **Declaring an Interest**

Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends, persons to whom they owe (or are owed) an obligation, or family might benefit and should ensure that the matter is referred immediately to their line manager. The details should then be passed to the Head of Governance to be entered onto the Council's Register.

For further information see:

Gifts and Hospitality and Registering Interests Policy.

7.3 **Outside Commitments**

Although your activities during off duty hours are your personal concern they should not interfere with your duties as an employee of the Council, and you should not put yourself in a position where duty and private interests conflict. The Council will not normally prevent you from undertaking additional employment but any such employment must not, in the opinion of the Council, conflict with or be detrimental to the Council's interest or in any way weaken public confidence in the conduct of the Council's business

Officers at Grade 8 or above may not in any case engage in any business or take up any additional job without permission of the Director. Directors require the permission of the Chief Executive and the Chief Executive needs the permission of Full Council.

Applications for consent should be submitted to Human Resources who will consult with the relevant Corporate Director, Chief Executive or Employment and Appeals Panel as appropriate.

The guiding principle will be that any such employment must not conflict with or react detrimentally to the authority's interests or in any way weaken public confidence in the conduct of the authority's business.

In any event, no outside work of any sort should be undertaken in the office and use of council facilities is forbidden.

The Council is mindful of its responsibility towards the health and wellbeing of its employees under the Working Time Regulations and the Health and Safety at Work Act and all employees are required to notify Human Resources of any other jobs they may have in addition to working at Wyre Council.

8. **Gifts and Hospitality**

<p>8.1</p> <p>8.2</p>	<p>Offers of gifts and hospitality may include items ranging from diaries, stationery, boxes of chocolates, to free meals and golf days.</p> <p>In exercising judgement as to whether to accept a gift or hospitality the question should be asked what public perception would be if the information was published given your role and circumstances.</p> <p>It is your responsibility to ensure that you are not placed in a position that risks, or appears to risk, compromising your role with the council and you should not be seen to be securing gifts and hospitality by virtue of your job.</p> <p>You should tactfully refuse all personal gifts and offers of hospitality that you think may damage public confidence in you.</p> <p>Registering gifts and hospitality</p> <p>The Council has a register for recording the receipt of gifts and hospitality, this register is kept by the Head of Governance.</p> <p>If a gift is received or hospitality accepted up to the value of £25, unless it is of purely “token” value (e.g. diary, pen, free gift at an exhibition), it should be declared to your line manager, and reported to the Head of Governance, for inclusion in the Council’s register.</p> <p>Prior to accepting any gift or hospitality with a value of £25 or more, the Officer should seek authorisation from their immediate line manager, or their Director. <u>Only once consent has been</u> given should the Officer take ownership and the details must then be passed to the Head of Governance immediately for recording in the Council’s Register.</p> <p>The Council prohibits the acceptance of cash gifts <u>of any value</u>.</p> <p>For further information see:</p> <p><i>Gifts and Hospitality and Registering Interests Policy.</i></p>
<p>9.</p>	<p>Fraud and Corruption</p>
<p>9.1</p> <p>9.2</p>	<p>Council employees have an important role to play in relation to protection against fraud and corruption. You should report any concerns, associated with the Council’s finances, resources and responsibilities, to a senior line manager or the Head of Governance.</p> <p>Bribery is the act of offering money or other incentives to persuade somebody to do or not to do something, especially something dishonest or illegal. The Bribery Act makes it an offence for UK citizens and residents to pay or receive a bribe either directly or indirectly. This includes transactions that take place in the UK and abroad, and in both private and public organisations.</p> <p>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</p>

	<p>showing favour, or disfavour, to any person in his/her official capacity.</p> <p>For further information see:</p> <p><i>Anti-Fraud, Corruption and Bribery Policy.</i></p>
9.3	<p>Raising Concerns at Work - Grievances and Whistleblowing</p> <p>The Council is committed to the highest standards of openness, probity and accountability.</p> <p>If you have any concerns arising from:</p> <p>(a) your working conditions or relationships with colleagues that you wish to have resolved you should raise any such issues with your Line Manager, their superior or contact a member of the Human Resources team, you may also wish to seek the support of your trade union representative.</p> <p>For further information see:</p>
9.4	<p><u><i>Grievance Policy and Procedure</i></u> and <u><i>Dignity at Work Policy</i></u></p> <p>(b) any other aspect of the Council's operations, for instance if you become aware of any activities that you believe are illegal, improper, unethical or in some other way inconsistent with the Employee Code of Conduct, or the Council's Constitution, policies and procedures, there is a procedure for these concerns which follows the requirements of the Public Interest Disclosure Act 1998. You should normally raise such concerns with your immediate manager or their superior but this depends on the seriousness and sensitivity of the issues involved. If you believe that management is involved or there is serious malpractice you should approach the Head of Governance immediately.</p> <p>For further information see:</p> <p><u><i>Whistleblowing Policy.</i></u></p>
10.	Breaches of the Code of Conduct
	<p>All employees are expected to accept and adhere to the Code of Conduct. Any breach of any part of the Code or its supporting policies and protocols may render the employee liable to disciplinary proceedings.</p> <p>Further information on what may be considered to be breaches of the Code of Conduct and the likely consequences of doing so is to be found in the Council's Disciplinary Policy.</p>
11.	Equality Impact Assessment and Monitoring
	<p>The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.</p>

12.	Data Protection Act 1998
	In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.

Appendix 1

Rules of Conduct

If a breach of these rules is established, it will constitute misconduct and may lead to action being taken under the Council's Disciplinary Procedure. The more serious the breach the more likely it is possible that such a breach will be regarded as gross misconduct.

The rules as set out below do not constitute a comprehensive list.

All employees are required:

- a) To comply with any published work rule or with any legitimate and reasonable request, instruction or contractual requirement given by a supervisor, manager or Director.
- b) To act in a manner, whether at work or outside work, which will (having regard to the employee's position with the Council) ensure the confidence of the public in the Council and which will not have a serious adverse effect on any individual's employment. This includes any convictions for a criminal offence and any corrupt or improper practice or breach of trust.
- c) To act in a proper and orderly manner and always act within the law on the Council's premises or in the Council's vehicles or in association with any official duty.
- d) To act in a manner that would not result in an action against the Council for negligence.
- e) To comply with health and safety regulations.
- f) To act in accordance with the Council's equal opportunities policy.
- g) To treat colleagues, elected members, the public or clients on the Council's premises or in the Council's vehicles used in association with any official duty with dignity and respect. Any attempts to embarrass, ridicule, harass, threaten, intimidate or abuse or assault could lead to disciplinary action being taken. ~~ive behaviour or indeed physical assault would be in breach of this requirement.~~
- h) Not to lose or damage the Council's equipment and/or property by wilful or negligent act.
- i) To act honestly in relation to the Council's property. Theft of or unauthorised or improper use of Council vehicles, equipment, materials or labour (including unauthorised use of or tampering with any computer or associated equipment and software) or theft from a service user would be regarded as a breach of this rule.
- j) To act honestly in relation to the Council's funds. Theft, misappropriation,

failure to account for or fraudulently claiming any money belonging to the Council or its service users would be regarded as a breach of this rule.

- k) To attend work between the contracted times and for the contracted number of hours a week and not to be absent from work without permission or, if sick, without notifying the supervisor or such absence. Doctors' medical certificates must be submitted within the prescribed time limits.
- l) To act in accordance with the Council's Promoting Attendance and Controlling Absence Policy and not to act in a manner which would impair recovery and delay a return to work when absent due to illness or injury.
- m) To accurately maintain the Council's records or documents. Alteration, mutilation or destruction of any record or document unless properly authorised to do so or falsification of any record or document will be regarded as a breach of this rule.
- n) To report or record any matter in respect of which there is a duty to report or record. For example, there is a duty to report to a suitable person (who may be a Police Officer) any illegal or corrupt act by another employee or another person on the Council's premises or who is using Council facilities.
- o) Not to disclose confidential information to any unauthorised person.
- p) To act in accordance with the Council's Social Media Policy.
- q) To act in accordance with the Council's safeguarding policies:
 - Child and Young Person Protection Policy
 - Safeguarding Adults Policy

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