



Date: 30 July 2013

Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: **Members of the Ethical Governance and
Personnel Committee**

Mr DW Inman (Chairman)
Mrs R Camamile
Mrs WA Hall
Mr KWP Lynch
Mr JS Moore

Mr LJP O'Shea
Mrs J Richards
Mr R Ward
Ms BM Witherford

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE** in the De Monfort Suite - Hub on **WEDNESDAY, 7 AUGUST 2013 at 10.30 am** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Helen Rishworth
Communications & Democratic Accountability Officer

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE - 7 AUGUST 2013

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES OF PREVIOUS MEETING (Pages 1 - 2)
To confirm the minutes of the previous meeting.
3. DECLARATIONS OF INTEREST
To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**
4. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES
To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
5. QUESTIONS
To hear any questions received in accordance with Council Procedure Rule 10.
6. SOCIAL MEDIA POLICY (Pages 3 - 10)
Report of the Deputy Chief Executive (Corporate Direction)
7. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY
8. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED
To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Schedule 12A of the 1972 Act.
9. FACT FINDING REPORT 2013-03 (Pages 11 - 14)
10. FACT FINDING REPORT 2013-04 (Pages 15 - 18)
11. FACT FINDING REPORT 2013-05 (Pages 19 - 22)
12. FACT FINDING REPORT 2013-06 (Pages 23 - 26)
13. INFORMAL RESOLUTION REPORT (Pages 27 - 28)

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

10 APRIL 2013 AT 10.30 AM

PRESENT: Mr DW Inman - Chairman

Mr DC Bill MBE, Mrs R Camamile, Mrs WA Hall, Mr KWP Lynch, Mr JS Moore, Mr LJP O'Shea and Ms BM Witherford

Officers in attendance: Louisa Horton, Rebecca Owen, Helen Rishworth and Julie Stay

407 MINUTES OF PREVIOUS MEETINGS

On the motion of Councillor Moore, seconded by Councillor Hall, it was

RESOLVED – the minutes of the meeting held on 14 and 15 February 2013 be approved and signed by the Chairman.

408 DECLARATIONS OF INTEREST

No interests were declared at this stage.

409 UPDATED REDEPLOYMENT & REDUNDANCY POLICY AND PROCEDURE

Members received information on the updated Redeployment and Redundancy Policy and Procedure and were advised that there had been no compulsory redundancies over the last four years and also that new age regulations had been implemented.

Officers drew attention to page ten and the process and length of time for consultation on redundancies was discussed. Reference was also made to the Severance Scheme and it was stated that this was not a policy change, and the current scheme for redundancy pay of actual weekly pay multiplied by 1.5 was being retained.

A Member asked for clarification on page 14 point 1.5. Officers explained that if an employee takes up another job under a modification order within four weeks the employee would not get redundancy pay. It was confirmed that included in the modification order were public sector, education, civil service etc.

On the motion of Councillor Camamile, seconded by Councillor O'Shea, it was

RESOLVED – the updated redeployment and redundancy policy and procedure be supported.

410 SOCIAL MEDIA POLICY

Members were presented with a draft social media policy. A Member stated that he was not comfortable with the proposed policy and felt that it may conflict with the Whistleblowing Policy. It was moved by Councillor Lynch, seconded by Councillor Bill and

RESOLVED – the policy be deferred for further legal comment.

411 COUNTY-WIDE CODE OF CONDUCT

Members were presented with a report on County-wide Code of Conduct which had been drafted by a group of the Monitoring Officers throughout Leicestershire. A Member reminded the group of the length of time taken to draft the current Code and the lack of desire to revisit it so soon after. It was suggested however that the Code of Conduct should be considered a working document.

It was noted that the main difference between Hinckley & Bosworth Borough Council's current Code and the proposed County-wide Code was the personal interests section. A Member suggested keeping current code of conduct and adding the personal interests section, would need to go to council for approval. Members were advised that a two-thirds majority would be required for the change to be adopted by Council.

On the motion of Councillor Witherford, seconded by Councillor Moore, it was

RESOLVED – Council be RECOMMENDED to amend the personal interests section of the current Code of Conduct to bring it in line with the County-wide Code.

412 UPDATE ON COMPLAINTS

The Committee was provided with an update on complaints received against Councillors under the Code of Conduct. It was reported that there had been three complaints, two of which had a decision of no further action and none had been referred for investigation.

The decision on the third complaint had been to request an apology from the subject Member, who had responded stating that he would not be issuing an apology on the grounds that he was using terminology which was commonplace in today's media. It was reported that the only recourse available now was a fresh complaint about the fact that the subject member had failed to apologise. It was requested that a copy of the response be sent to all Members.

RESOLVED –

- (i) the verbal update be noted;
- (ii) a copy of the response from the subject member as outlined above be sent to all members.

413 ADDITIONAL BUSINESS - RACISM IN ELECTIONEERING

A Member raised the issue of a political poster being displayed around the borough and its' racial content. Members were advised that any complaints should be directed to the Police (Paul Wenlock) and in response to a Member's question it was stated that it would be inappropriate for the Monitoring Officer to make a complaint on behalf of the Committee, and that complaints should be made by an individual.

(The Meeting closed at 11.30 am)

CHAIRMAN

ETHICAL GOVERNANCE & PERSONNEL COMMITTEE –
12 JUNE 2013

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE
DIRECTION)
RE: SOCIAL MEDIA POLICY



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. **PURPOSE OF REPORT**

To present the proposed policy on the use of “Social Media” and associated guidelines.

2. **RECOMMENDATION**

That the proposed “Social Media Policy” and guidelines are adopted.

3. **BACKGROUND TO THE REPORT**

- 3.1 The increase in the use of social media has the potential to impact on all organisations both positively or negatively. This has come about by the development and popularity of smart phone and tablet technologies making access to internet services possible at any time and from any location. This level of access has the potential to impact on the management of employee activities during contracted hours and possibly beyond. This increased access to online social media has exposed employers to the risk of breaches of confidentiality as well as that of reputational damage as a result of careless and or inappropriate ‘posts’.
- 3.2 Establishing a policy that is both fair and reasonable to all those associated with HBBC has the potential to limit third party claims as individuals will know, and understand what is expected of them when engaging in the use of social media. It also provides a mechanism for dealing with inappropriate conduct whilst engaging in the use of social media.
- 3.3 Existing policies will be updated and submitted over the next year to incorporate references to social media. The introduction of this policy should not to be confused with the Council’s current Whistle Blowing policy, which can be accessed should an employee wish to make a confidential or anonymous complaint.

4. **FINANCIAL IMPLICATIONS (AB)**

Potential costs of litigation whilst unlikely the risk does exist

5. **LEGAL IMPLICATIONS (AB)**

Hinckley and Bosworth Borough Council (HBBC) may be held vicariously liable, for unlawful actions of employees. This applies whether or not HBBC knows or approves of them. The speed and coverage potential of social media exposes all organisation to the risk of litigation as a result of inappropriate content and use of social media. To manage these risks the proposed social media policy sets out the conduct and behaviours expected of all those associated with HBBC.

6. **CORPORATE PLAN IMPLICATIONS**

This policy supports the People Strategy.

7. **CONSULTATION**

Consultation has taken place with the local branch of Unison and GMB and suggestions have been included within this policy. This policy has also been approved by the joint board (SLB/COB).

8. **RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives and or damage its' reputation.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
HBBC could be vicariously liable for unlawful actions of its employees. Inappropriate posting of data via social media exposes the Council to risk of litigation	Implement policy and raise awareness of staff of the inappropriate use of social media	Julie Stay

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

None.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account the HR implications.

Background papers: None

Contact Officer: Julie Stay, HR and Transformation Manager

Executive Member: Cllr B Witherford

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SOCIAL MEDIA POLICY

1. Purpose

- 1.1 The purpose of this Social Media Policy is to set out guidelines for those who work for, or are associated in any way with Hinckley and Bosworth Borough Council (HBBC) and includes council members. This policy sets out a fair, transparent and practical measure that will contribute to the protection of the council and employees' credibility and reputation.

2. Scope

- 2.1 This procedure applies to all employees, council members, agency workers and those undertaking duties for or on behalf of HBBC. Suppliers and service providers will be made aware of their duties and responsibilities during the procurement process.

3. Principles

- 3.1 This policy deals with the use of all forms of social media, including; Facebook, LinkedIn, Twitter, YouTube, all other social networking sites, and all other Internet postings, including blogs.
- 3.2 It applies to the use of social media for both business and personal purposes, whether or not during office hours or otherwise. This policy applies regardless of whether or not the social media is accessed using IT facilities and equipment provided by HBBC or equipment belonging to you or a third party such as a library or internet café or the use of a smart phone, tablets, net-book laptop or any other device that can be used to access the internet.

4. Policy

- 4.1 Employees may be required to remove immediately any Internet postings and social media communications which are deemed to constitute a breach of this policy. Failure to comply with such a request may in itself result in disciplinary action, including dismissal.
- 4.2 Employees are reminded of their contractual duty and must not post or communicate disparaging or defamatory statements using social media or otherwise about:

Hinckley and Bosworth Borough Council

Our employees

Our councillors

Our clients, customers or tenants

Our suppliers their agents or contractors

Or make statements that could be construed as being damaging or detrimental to the reputation of HBBC.

- 4.3 There are specific policies for addressing individual's concerns that relate to Whistle Blowing, Grievances and or Bullying and Harassment allegations. Social Media must never be used in place of the formal policies which do offer individuals elements of legal protection.
- 4.4 Employees are personally responsible for what they communicate via social media. Employees must be aware that anything they publish might be read or accessed by an audience wider than intended. Employees should ensure that any social media posting is communicated on their own behalf and does not appear to be linked with Hinckley and Bosworth Borough Council in any way.
- 4.5 Employees must not post comments about sensitive or confidential business related topics.
- 4.6 Breach of this policy may result in disciplinary action being taken against you, including dismissal. Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether Hinckley and Bosworth Borough Council equipment was used for the purpose of committing the breach. If an employee is suspected of committing a breach of this policy they will be required to co-operate with the investigation, which may involve handing over relevant passwords and login details. If you become aware of a breach of this policy you must notify your manager or HR immediately.
- 4.7 It is the responsibility of all employees to read and understand the guidelines provided with this policy.

Social Media Guidelines (to be distributed to staff)

Introduction

Code of Conduct and Acceptable Usage Policy for Email, the Internet and Corporate Network Access provides the foundation for the following Social Media Guidelines for employees of Hinckley & Bosworth Borough Council.

As outlined in the Officers' Code of Conduct, as a responsible employer, the council fully respects that, in general, what staff do on their own time is their affair. However, activities in or outside of work that affect job performance, the performance of others or the council's reputation are a proper focus for council policy.

That's why the same principles and guidelines that apply to HBBC employees activities in general, as found in the Officers' Code of Conduct, apply to employees' activities online. As such, a serious breach of these guidelines will be treated as a disciplinary matter.

Definition of social media

For the purposes of these guidelines, social media is held to include:

- logs (e.g. Wordpress, Tumblr, Blogger)
- Micro-blogging (e.g. Twitter)
- Forums
- Networks (e.g. Facebook, Ning, LinkedIn)

- File-sharing sites (e.g. YouTube, Flickr)

New social media tools are being created all the time, so this list is not exhaustive.

The council's social media accounts on twitter and Facebook are accessible only to the Communications Team and social media trained web editors.

Many other employees may have their own personal social media accounts or may maintain a personal blog outside of work. These guidelines aim to provide helpful, practical advice to protect both the employer and the employee using social media sites – whether that is inside or outside of work.

Social Media Guidelines

1. All Council employees are bound by the Officers' Code of Conduct and Acceptable Usage Policy for Email, the Internet and Corporate Network Access.
2. The principles covering the use of social media by council employees in a personal capacity are the same as those that apply for any other media. Social media is a public forum and the same considerations apply as would, say, to speaking in public or writing something for publication either officially or outside of work.
3. Every employee is considered to be personally responsible for the content they publish on-line. This may mean that information published online will remain public for a long time and may still be seen after it has been deleted. In social media the boundaries between professional and personal can sometimes become more blurred – so it's important to be particularly careful. If you're about to publish something that makes you even the slightest bit uncomfortable, and it is related to the council, feel free to discuss it with your manager or the communications team first. Ultimately, however, you have sole responsibility for what you post or publish in any form of online social media.
4. Council employees receive a great deal of information relating to the council's business, as well as confidential information about customers, businesses, councillors and other employees. Much of this information needs to be treated as confidential and should not be disclosed either inside or outside work, even to family and friends without authority. In the same way, such information should not be disclosed on social media, even to colleagues as this can be viewed publicly by others. Similarly you

- should not publish anything that might allow inferences to be drawn which could embarrass or damage a customer, councillor or another employee.
5. Be aware of your association with HBBC in online social networks. If you identify yourself as a HBBC employee or if you can be identified as an HBBC employee by your association with work colleagues on social media sites, you should ensure your profile and related content is consistent with how you wish to present yourself to colleagues and customers:
 - a. Don't use racist, sexist or other bigoted language, personal insults, obscenity, or engage in any conduct that would not be acceptable in your workplace.
 - b. show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory—such as politics - which might be seen to compromise your impartial service to the council.
 - c. Don't use online social media to air your differences in an inappropriate manner.
 - d. Take care about commenting on council policies or practices and avoid commenting altogether on controversial issues.
 - e. do not deny or affirm work-related rumours (or suggest the same in subtle ways) or speculate about them in any way.
 6. If you do choose to publish appropriate content online relating to the council or council matters in your personal capacity you must make it clear that you are speaking for yourself and not on behalf of the council. You should use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent the opinions of Hinckley & Bosworth Borough Council". It remains the case that some topics relating to the council are confidential and should never be discussed, even if you're expressing your own opinion and using a disclaimer.
 7. When you see misrepresentations made about the council by the media or others, you may choose to add comments on the original discussion to point that out. Always do so with respect, stick to the facts and identify your affiliation to the council. You must make sure that what you say is factual and that it does not disparage others. This does not mean that you have to put up with rude or offensive remarks being made to you, but if you choose to reply, you should do so in the same professional way as

you would if those remarks were being made to your face or over the phone.

8. If you hear something on social media that you need to feed back to colleagues then please pass that information on to the relevant person. For instance, if you come across people complaining that the website isn't working, please pass that information on to the Communications Team to rectify.
9. Don't use the HBBC logo unless approved to do so.
10. It is important that you are aware that posting any content that is considered inappropriate may result in disciplinary action.

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