



Date: 02 April 2013

Hinckley & Bosworth
Borough Council

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

Mr DW Inman (Chairman)
Mr DC Bill MBE
Mrs R Camamile
Mrs WA Hall
Mr KWP Lynch

Mr JS Moore
Mr K Morrell
Mr LJP O'Shea
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 Committee Room 2 on **WEDNESDAY, 10 APRIL 2013 at 10.30 am** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Officer

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE - 10 APRIL 2013

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES OF PREVIOUS MEETINGS (Pages 1 - 4)
To confirm the minutes of the previous meetings on 14 & 15 February 2013.
3. 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.
4. 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.**
5. QUESTIONS
To hear any questions received in accordance with Council Procedure Rule 10.
6. UPDATED REDEPLOYMENT AND REDUNDANCY POLICY & PROCEDURE (Pages 5 - 16)
Report of the Deputy Chief Executive (Corporate Direction) attached.
7. SOCIAL MEDIA POLICY (Pages 17 - 20)
Report of the Deputy Chief Executive (Corporate Direction) attached.
8. COUNTY-WIDE CODE OF CONDUCT (Pages 21 - 26)
Report of the Monitoring Officer attached.
9. UPDATE ON COMPLAINTS (Verbal Report)
10. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

14 FEBRUARY 2013 AT 10.30 AM

PRESENT: Mr DW Inman - Chairman

Mr JG Bannister (for Mrs WA Hall), Mr DC Bill MBE, Mrs R Camamile, Mr KWP Lynch, Mr JS Moore, Mr K Morrell, Mr LJP O'Shea and Ms BM Witherford

Officers in attendance: Julie Stay

397 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor A Hall, with the substitution of Councillor Bannister authorised in accordance with Council Procedure Rule 4.1

398 MINUTES OF PREVIOUS MEETINGS

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

RESOLVED - The minutes of the meetings held on 30 October and 23 November 2012 be confirmed and signed by the Chairman.

399 DECLARATIONS OF INTEREST

No interests were declared at this stage.

400 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Inman seconded by Councillor Bill, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Part I of Schedule 12A of that Act.

401 DISCIPLINARY MATTER

Members received information on a disciplinary matter which had been investigated.

The employee was present and was also represented by Ms H Mann, Solicitor and Ms H Williams, Barrister. Mr G Ward was present as the Investigating Officer and Mr M Islam-Choudhury, Barrister, was present for the Authority. Ms S Maher was present to advise the Committee, and Mrs J Stay was present as Clerk.

The meeting commenced with a discussion on the process and the order of proceedings. The meeting had several adjournments of 20 minutes each at 11.15am, 11.55am and 3.20pm, in addition to a break for lunch at 12.45pm for 45 minutes.

During the times between adjournments the Management case was presented and the Management called two witnesses.

402 ADJOURNMENT OF MEETING

It having reached 4.30pm, it was

RESOLVED – the meeting be adjourned to the following day (15 February) to commence at 10.30am.

(The Meeting closed at 4.30 pm)

CHAIRMAN

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

15 FEBRUARY 2013 AT 10.30 AM

PRESENT: Mr DW Inman - Chairman

Mr JG Bannister (for Mrs WA Hall), Mr DC Bill MBE, Mrs R Camamile, Mr KWP Lynch, Mr JS Moore, Mr K Morrell, Mr LJP O'Shea and Ms BM Witherford

Officers in attendance: Julie Stay

403 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor A Hall, with the substitution of Councillor Bannister authorised in accordance with Council Procedure Rule 4.1.

404 DECLARATIONS OF INTEREST

No interests were declared at this stage.

405 EXCLUSION OF PUBLIC AND PRESS

On the motion of Councillor Inman seconded by Councillor Bill, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Part I of Schedule 12A of that Act.

406 DISCIPLINARY MATTER

This item had been adjourned the previous day, at which time it was agreed to reconvene at 10.30am on 15 February 2013. Therefore the case to determine action to be taken against an employee who had been subject to investigation regarding a disciplinary matter reconvened at 10.30am.

The employee was present and was also represented by Ms H Mann, Solicitor and Ms H Williams, Barrister. Mr G Ward was present as the Investigating Officer and Mr M Islam-Choudhury, Barrister, was present for the Authority. Ms S Maher was present to advise the Committee, and Mrs J Stay was present as Clerk.

The meeting resumed with continuation of hearing the Management case and the calling of two further witnesses. This was followed by hearing the employee's case, including the calling of the employee's witness.

Adjournments took place at 10.35am (thirty minutes), 11.20am (five minutes), 12.10pm (five minutes), 1.00pm (40 minutes), 2.00pm (five minutes) and 4.20pm (ten minutes).

Following withdrawal of the employee's side and the Management side's Barrister and Investigating officer at 6.15pm, Members gave full consideration to the matter. It was

RESOLVED – the employee be dismissed.

(The Meeting closed at 8.00 pm)

CHAIRMAN

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE –

UPDATED REDUNDANCY AND REDEPLOYMENT POLICY AND PROCEDURE

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. PURPOSE OF REPORT

To present the revised Redundancy and Redeployment Policy and Procedure.

2. RECOMMENDATION

That the revised policy is adopted.

3. BACKGROUND TO THE REPORT

3.1 Changes in legislation and the Local Government Pension Scheme along with the economic downturn, and its effect on local government budgets and workforce planning, require the Council to update its two policies this being the Redundancy Policy and Severance Scheme.

3.2 To provide some statistical context, the impact over the last four years is as follows:

- 43 employees have been made redundant over the last four years. All redundancies except for one have been made on a voluntary basis and in each case all payments have been enhanced.
- Most retirements (20 employees) have been due to age, with the age range being between 59 – 77 years.
- There has been only one early retirement in the last four years, this maybe due to staff having access to voluntary redundancy, which is more of an advantageous financial route for employees to pursue.
- 7 employees in total have retired on ill health grounds

3.3 The Council has been successful in avoiding compulsory redundancies during the last three years by effective use of vacancy management and providing opportunity for those staff approaching retirement to apply for Voluntary Redundancy. This has allowed the Council to retain the skills and maintain positive staff morale. The revised policy has been updated to reflect this strategic approach by providing a robust framework for managers and to ensure best practice.

3.4 The revised policy also consolidates both policies. The first part of the revised policy focuses on redundancy and guides the manager through each stage of the redundancy process. The second part of the revised policy refers to severance pay, should an officer leave the authority on redundancy grounds or early retirement. In regard to severance arrangements, in order to support the strategic approach to encourage voluntary redundancy should an 'at risk' situation emerge, it is proposed that the Council maintains its current severance arrangements. (The policy to pay redundancy based upon actual weekly pay (rather than the statutory amount). In terms of calculating the number of weeks/service the statutory table will be used to calculate the weekly entitlement which is enhanced by a multiplier 1.5 years).

3.5 The current severance scheme however does make numerous references to the pension regulations, which over the last few years have been drastically overhauled. Given the extent upon which pension scheme has changed and the potential to change again in the future, the revised policy no longer contains detailed information in regards to access to pension. Alternatively, the policy 'signposts' the employee to contact HR for specific pension information should they consider early retirement or voluntary redundancy.

4. FINANCIAL IMPLICATIONS [AB]

4.1 There are no financial implications specific to this report. Financial implications arising from particular redundancy or redeployments are considered at that time.

5. LEGAL IMPLICATIONS [LH]

Contained within the body of the report, the legal implications of particular redundancy or redeployments are considered at that time.

6. CORPORATE PLAN IMPLICATIONS

This policy supports the Medium Term Financial Strategy.

7. CONSULTATION

Consultation also took place with the local branch of Unison and GMB.

8. RISK IMPLICATIONS

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

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:

None

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

The policy reflects the Age Equality legislation

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

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

RESTRUCTURING AND REDUNDANCY POLICY AND PROCEDURE

1. Purpose

The purpose of the Council's Restructuring and Redundancy Policy and procedure is to set out the approach to managing organisational change within the Council. This policy sets out a fair, transparent and effective process for dealing with such situations and ensuring compliance with statutory requirements.

2. Scope

This procedure applies to all employees of Hinckley and Bosworth Borough Council.

3. Principles

- 3.1 The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy and procedure.
- 3.2 This policy will be implemented in line with our organisational values and behaviours this being: Being your Best, Team working and Customer Focus.
- 3.3 The Council will, where feasible, try to avoid redundancies through careful planning, including vacancy control measures, natural wastage, re-deployment (where applicable) and retraining where possible. The aim is to ensure that the valuable skills, experience and knowledge of employees are retained wherever possible
- 3.4 The Council is committed to full and meaningful consultation with employees and the recognised trade unions regarding proposals for organisational change. The aim is to demonstrate a commitment to safeguarding the interests of employees. In line with this, the overriding objective of consultation will be to consider ways of avoiding redundancies, reducing them to a minimum and/or mitigating the consequences of dismissals. Consultation will be undertaken with a view to reaching agreement and any representations or proposals made will be fully considered.
- 3.5 It is recognised and understood that organisational change may have a significant impact on employees and may involve periods of uncertainty. The Council is committed to supporting employees through periods of change and to minimise any negative impact.

4. Procedure for Identifying Jobs at Risk

Ongoing Minor Change

- 4.1 In order to adapt to changing requirements, it is likely that the Council will need to make periodic changes to roles, responsibilities and/or working practices (i.e. job description changes or change of service area and reporting line management changes). As flexibility underpins our organisational values

employees are expected to accept reasonable changes appropriate to the level of the post.

- 4.2 Where changes are required, the reasons for these will be discussed with employees and they will be given the opportunity to state their views and suggest any alternative solutions. Affected employees will be given reasonable notice and be supported, as far as practical, to adapt to the new way of working.

Major Changes Affecting Job Security

- 4.3 When service and team restructurings are taking place or there are proposed major changes to working practices or contractual terms (which can include relocating employees), all of these represent a change to an employee's terms and conditions and therefore there is a requirement to formally consult with employees.
- 4.4 As soon as jobs or areas of work which may be affected by a prospective change in staffing requirements have been identified by the Service Manager, that service manager will bring the matter to the attention of the Strategic Leadership Board as soon as possible. When the Strategic Leadership Board has agreed that there is an 'at risk' situation, formal consultation will commence.

5. Consultation

Timescales

- 5.1 Where possible, managers supported by the HR Team will engage with employees and Trade Unions at an early stage so affected employees have the opportunity to give thorough consideration before the formal consultation process begins.
- 5.2 The duty to consult arises where there is a 'proposal' to dismiss. This is something less than a final decision but more than considering whether redundancies might be appropriate, in other words at a formative stage. These requirements also apply when it is proposed to terminate contracts and offer re-engagement in order to implement changes in terms and conditions on which it has not been possible to reach agreement.
- 5.3 The timescales for formal consultation are:

*No of employees it is proposed to dismiss in one establishment	Length of formal consultation period
100 or more	45 days
20-99	30 days
1-19	30 days **

* When calculating the number of employees proposed to be made redundant for the purposes of collective redundancy consultation, this must also include employees who volunteer for redundancy or any employees who could be re-deployed.

** There is no specified statutory minimum period where it is proposed to dismiss 1-19 employees at an establishment. To ensure meaningful

consultation it is recommended in these situations to grant 30 days consultation. However, if the employee/s, Trade Union and manager consider that a shorter formal consultation would be more appropriate (e.g. to minimise anxiety) then this can be agreed. All parties must be in agreement in order to progress with a shorter formal consultation period.

- 5.4 It is emphasised that the above are minimum periods. Longer periods may be appropriate depending on the complexity of the situation, for example a large number of individual meetings needed with employees to discuss the impact of relocation or working hours.
- 5.5 If 20 or more redundancies are proposed at an establishment the Department for Business, Enterprise and Regulatory Reform (BERR) must also be notified on Form HR1. A copy of the form must also be given to the Trade Union(s) by the HR Manager.

6. Scope of consultation

- 6.1 Consultation must take place with the Trade Union(s) recognised in respect of category(ies) of employees affected, whether or not any of the employees are Trade Union members. 'Employees affected' means employees who are actively at risk of redundancy and those affected by measures associated with redundancies e.g. employees having to take on reallocated work.
- 6.2 Employees on maternity/paternity/adoption leave, long term sickness absence, secondment and career breaks should also be formally consulted with and therefore appropriate arrangements should be put in place to enable this e.g. inviting to meetings, sending information to home address etc.
- 6.3 The distribution of the proposal outlining the service/organisation/team change will trigger the start of the formal consultation period; a copy will also be given to the trade unions. The number of individual and collective meetings should be appropriate to the change proposed to ensure that both employees and Trade Unions are given sufficient opportunity to consider the proposals, ask questions and suggest alternative options.
- 6.4 At the end of the formal consultation period, and once all comments suggestions have been seriously considered, the proposal authorised by the lead officer and HR will be forwarded to affected employees and Trade Unions.

7. Avoiding or minimising redundancies

The Council is committed to minimising the number of compulsory redundancies and therefore the following organisational measures should be used where appropriate:

- Deletion of vacant posts
- Restriction on recruitment
- Cessation of reduction in overtime
- Voluntary reduction in hours
- Voluntary redundancy
- Termination of casual contracts

- Termination of fixed term/temporary contracts – only if connected with the restructure

As well as broad organisational measures more specific options can be adopted during the redundancy process such as:

7.1 **Restriction on recruitment of permanent staff**

In an area (the affected area) where jobs have been identified as 'at risk' no further permanent employees should be recruited while there remains jobs at risk. The affected areas' will be determined by the HR Manager in consultation with the recognised Trade Unions. Vacancies within the affected areas may be filled through short term arrangements.

7.2 **Redeployment of employees whose jobs are at risk**

In order to achieve redeployment, it may be necessary to restrict recruitment in areas other than that which is affected by job losses. The HR Manager will inform the relevant 'at risk' employees of all vacancies. Unless the service manager reasonably concludes that a post is unsuitable, 'at risk' employees will be informed of all vacancies and will be guaranteed an interview for any post for which they apply. This is guaranteed subject to the employee meeting the essential criteria of the job role or could meet the essential requirements following training. All appointments will be made on merit.

Employers are under a statutory obligation to offer employees on maternity leave any suitable alternative vacancy. This means that if a vacancy that is suitable for the employee exists she must be offered the post even if this means that she is treated more favourable than other employees at risk. Further advice should be sought from HR.

7.3 **Trial Period**

An employee who accepts redeployment will be entitled to a twelve week trial period. During this time, both the employee and his/her manager will assess whether or not the work is really suitable. This period may be extended by mutual agreement between both parties where there is a need for further training to carry out the new work. If either the manager or the employee feels that the work is not suitable, then the employee will have the right to return to his/her previous post (if still available) without any loss of employment protection rights.

7.4 **Personal Protection of earnings**

In order to encourage new employees to be redeployed into jobs with lower earning potential, the earnings will be protected in a red circle basis (i.e. frozen – no incremental progression or pay awards) for two years or until the maximum salary for the new post becomes higher than the frozen salary, whichever is the earlier. The cost of protection will be met by the original employing service area.

8. **Procedure for handling redundancies**

8.1 **Voluntary Redundancy**

The Council may consider applications on an individual basis for voluntary redundancy. Applications for voluntary redundancy will be considered on the by the Strategic Leadership Board in consultation with the Chief Officer or Service Manager.

8.2 Compulsory Redundancy

When consultation has concluded and all alternative measures have been exhausted (i.e. voluntary redundancy,) the individuals who will be affected by the redundancy will be notified as soon as possible. The criteria to be applied when determining which employees will be selected for redundancy will be agreed following consultation with the Trade Unions.

A meeting/s with the individual employees affected will be arranged to discuss the selection decision and support measures. Employees may be represented by a Trade Union representative or work colleague at these meetings.

Redundancy notice letters will be issued in line with the contractual notice period.

8.3 Redundancy Payments

Financial compensation for both voluntary and compulsory redundancy will be calculated using the statutory redundancy method (based upon age and length of service) to determine the number of weeks entitlement multiplied by the actual weekly earnings. This is set out in the severance scheme in Appendix A to this policy.

8.3 Retirement

For employees who are in the Local Government Pension Scheme and are either choosing to retire; are retiring on the grounds of efficiency; or at risk of redundancy they may be entitled to additional benefits in connection with their pension. Please contact the HR team for more information.

8.4 Appeal

An employee has a right to appeal against their redundancy dismissal. The appeal must be submitted in writing setting out the grounds of appeal and sent to the HR Manager within 10 working days of receipt of the letter.

9. Supportive Measures

When an employee has been placed 'at risk' the Council will offer any support reasonably possible to help the employee obtain alternative employment. This may include:

- Reasonable paid time off to look for new employment
- Reasonable time off to make arrangements for training for future employment
- Access to outplacement services – offering practical career coaching support i.e. CV writing
- Typing and photocopying facilities
- Benefits advice

SEVERANCE SCHEME

The following outlines the redundancy payment scheme which will apply to all employees who are made either voluntarily or compulsorily redundant. The Council will offer compensation in line with the following circulars and acts:

Subject to a period of 2 years reckonable and qualifying service having been completed; The Redundancy Payments (Local Government) (Modification) Order 1983; The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006; The Employment rights Act 1996.

- 1.1 The Council will offer a redundancy payment, subject to the following criteria which will grant to employees:
 - (a) The aggregate of continuous service with previous employers covered by the Redundancy Payments (Local Government) (Modification) Order 1983 will be taken into account for redundancy calculations;
 - (b) The maximum payment under the Redundancy Payments Scheme will not be applied and the employee's actual weekly income will be utilised for the calculation of redundancy payments. The total number of redundancy weeks paid will be determined by the entitlement as set out in the Statutory Redundancy Payments Scheme multiplied by a factor of 1.5.
- 1.2 Employees with an outstanding car loan will be required to repay the outstanding amount from their severance payment and/or final salary.
- 1.3 For those employees made redundant the council will not require repayment of relocation expenses or training expenses as determined within the conditions of service.
- 1.4 When using a weeks pay within these calculations the definition of a week's pay includes pay for contractual hours worked plus any additional contractual entitlement under the employee's contract (i.e. shift payments).
- 1.5 If an employee who is under notice of redundancy receives an offer of a job from another Modification Order body before the termination of his or her employment and takes it up within 4 weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes. Please contact HR for more information.
- 1.6 The Council has adopted a provision within the Discretionary Compensation Regulations 2006 to allow an employee (who is a member of the Local Government Pension Scheme) the option to convert the cash sum in excess of the redundancy payment into additional pension scheme service. (The excess cash sum being the sum of monies derived from applying the multiplier of 1.5). If an employee wishes to convert the cash lump into additional pension

scheme service, then HR should be notified prior to the termination date of employment.

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ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE –

THE INTRODUCTION OF A POLICY ON THE USE OF SOCIAL MEDIA

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)



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”.

2. RECOMMENDATION

That the proposed “Social Media Policy” is 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 HR policies will be updated to incorporate recent case law and will be submitted for consideration during the next 12 months.

4. FINANCIAL IMPLICATIONS

The introduction of the policy has the potential to limit the costs of litigation and place responsibility on the individual authors. There will be a requirement for communication and training for staff. The costs of this are unknown at this stage. Once the costs are known they will be approved in accordance with Financial Procedure Rules.

5. LEGAL IMPLICATIONS (AB)

The Social Media Policy will have the effect of mitigating against any potentially actionable statements made on employees social media accounts.

In drafting the policy Article 10 of the Human Rights Act 1998. The right of Freedom of Expression has been taken into account.

6. CORPORATE PLAN IMPLICATIONS

This policy supports the Short/Medium Term People Strategy.

7. CONSULTATION

Consultation took place with the local branch of Unison and GMB and suggestions have been included with this policy.

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:

None

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

The policy reflects Equality legislation.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

HR implications.

Background papers: None

Contact Officer: Julie Stay, HR and Transformation Manager

Executive Member: Cllr B Witherford

Social Media

Purpose

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). This policy sets out a fair, transparent and practical measure that will contribute to the protection of the council and employees' credibility and reputation.

Scope

This procedure applies to all employees, 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.

Principles

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. 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.

Policy

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.

Employees 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.

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.

Employees must not post comments about sensitive or confidential business related topics.

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.

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE –
[MEETING DATE]

A COUNTY WIDE CODE OF CONDUCT
REPORT OF THE MONITORING OFFICER

WARDS AFFECTED: ALL WARDS



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. **PURPOSE OF REPORT**

The purpose of this report is to present to Members a revised Members' Code of Conduct for consideration due to a County Wide proposal to have a single code of conduct.

2. **RECOMMENDATION**

For the Committee to comment on the Code of Conduct and make recommendations as to whether Hinckley and Bosworth Borough Council should adopt a revised Code of Conduct.

3. **BACKGROUND TO THE REPORT**

1. The Localism Act 2011 ('the Act') places the Authority under a duty to promote and maintain high standards of conduct by members and co-opted members of the Authority. In discharging this duty, the Authority is required to adopt a Code dealing with the conduct that is expected of members and co-opted members, when acting in that capacity.
2. The Act abolished the previous national model Code of Conduct which had been adopted by authorities at all levels and instead imposed a simple requirement that each authority put in place a Code which when viewed as a whole, is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, and which includes provisions in respect of the registration and disclosure of pecuniary interests and interests other than pecuniary interests.
3. As Leicestershire is a two tier authority area, many Members of the Borough Council serve on the County Council as well as the Borough. There is therefore concern about the potential difficulties which might arise if each authority across Leicestershire adopted Codes which applied different obligations and levels of responsibility. Members at Leicestershire County Council have expressed a desire to achieve a single Code for members across Leicestershire.
4. In the time available it was not possible to consider adopting a common Code of Conduct for Members across the whole of Leicestershire before the new Regulations relating to standards matters came into force on 1 July 2012. Therefore, the Borough Council at its meeting on 19 July 2012 approved the adoption of a new Code of Conduct which met the requirements of the new legislation. The Ethical Governance and Personnel Committee indicated that they wished the Monitoring Officer to continue discussion regarding a Common Code of Conduct.

Discussions with other district, County and Leicestershire Fire and Rescue Service (LFRS) Monitoring Officers

5. Initial discussions with Monitoring Officers across the County through the Local Association of Council Secretaries and Solicitors (ACSeS) group, suggested there was, overall, agreement that the implementation of a common Leicestershire Code of Conduct would be beneficial for Members at County and District level. All the authorities had held discussions with their respective elected members to seek their views on what should and should not be included in the new Codes adopted in July 2012 following the implementation of the Act. Four meetings of the group took place between June and November 2012 including representatives from Leicester City and Rutland County Council. The discussions which have taken place have been open with officers being able to explain what might or might not be acceptable at their respective authorities and appropriately rigorous with a view to achieving a Code capable of addressing the difficult issues which are faced by Members in applying the principles set out in the legislation.
6. To begin, the County Council agreed to undertake an initial exercise to compare each of the new Codes of Conduct which had been adopted by the seven districts and the LFRS.
7. Although differences were identified, this analysis highlighted that each of the Codes imposed very similar obligations and many, had agreed to retain specific requirements from the previous Code, including:
 - A requirement not to bully or intimidate any person or act in a way which may cause the Authority to be in breach of equality legislation;
 - A requirement to deal with information appropriately, e.g. not disclosing information provided in confidence and not prevent anyone from having access to information to which he/she is entitled;
 - A requirement not to use council resources inappropriately;
 - A requirement not to act in a way which could be regarded as bringing the office or Authority into disrepute;
 - A requirement to have regard to relevant advice provided by officers.
8. The outcome of this exercise was discussed in September 2012 and the ACSeS group was able to reach a consensus on many issues, including many of those areas where differences had been identified. These included the following:
 - that, in accordance with the Act, the Code should only apply when a member is 'acting' in that capacity;
 - that a clear distinction should be drawn between disclosable pecuniary interests, as have been specifically defined by the Act, and other interests which a member may have and which would prevent them from taking part in a debate e.g. an interest which may relate to a family member or close associate; however, the terminology in use in different authorities does vary considerably;

- that the concept of personal interests which would enable a member to declare such an interest and demonstrate their openness, but remain in a meeting, was generally supported;
 - that a requirement for members to register gifts and hospitality worth £50 or more should be retained.
9. The County Council subsequently undertook to prepare an initial draft of a common Code of Conduct for consideration. This was discussed in November 2012.
 10. The area that generated the most debate related to 'Interests'. After considerable discussion a form of words was proposed which would introduce three categories of interest:-
 - i. 'disclosable pecuniary interests' (DPIs), which are defined in the Act; breach of the requirements relating to DPIs could lead to prosecution;
 - ii. 'personal interests' which have been largely retained from the previous Code and which once declared by a member, will not prevent them from taking part in the debate;
 - iii. 'personal interests that might lead to bias' i.e. those interests which a member of the public, with knowledge of the facts, would reasonably regard as so significant as to prejudice a member's judgement of the public interest. Breach of the requirements relating to these interests (which are not DPIs) would not lead to prosecution but could lead to a complaint relating to a Members conduct.
 11. In addition, it is proposed that a distinction is made between those interests which must be registered, and those interests which are of a kind that might arise at a meeting but which a member could not be expected to register in advance.

A Leicestershire Code of Conduct for Members

12. Following these discussions the County Council undertook to produce a further version of the draft common Code of Conduct which Monitoring Officers could take to their Members for consideration. This, latest, draft Code is attached as Appendix 1.
13. It has to be acknowledged that the political realities and practical arrangements for the revision of Codes of Conduct will vary considerably between different authorities and as a consequence different provisions may prove acceptable or contentious in different authorities. However, during the course of the discussions, two particular provisions have been identified as likely to be contentious:-
 - i. Whether or not a member with a DPI should be able to attend a meeting to present issues on his/her own behalf or on behalf of their constituents, but then withdraw before the full discussion or debate takes place. Differing advice on this issue has been received. Advice provided by Queen's Counsel to another local authority expresses a firm opinion that Members would be allowed to act in this way and this reflects existing practice in many authorities prior to the Localism Act in relation to committees where members of the public would be allowed to speak. However, it appears to run contrary to advice from DCLG.

The majority of those attending at the ACSeS meetings indicated that they would be prepared to advise their members along the lines of the advice of the QC. However, it was recognised that this was a difficult issue which should be highlighted to elected Members as any breach of the rules in relation to DPIs could result in criminal prosecution.

- ii. Paragraph 4.12 of the new draft Code provides some guidance to elected Members who serve on more than one local authority. In this context, it should be noted that the Monitoring Officer for the Fire and Rescue Service authority has throughout supported the need for a Common Code of Conduct, but the group has been advised that it is unlikely that parish councils will wish to amend the Code of Conduct which has only recently been adopted by them. The provision in paragraph 4.12 as drafted attempts to recognise that Members should not be prevented from taking part in discussion when they have an electoral mandate from constituents from both authorities, but that there may be exceptional circumstances where a Member cannot take part in a debate at either or both authorities.

- 17. The opportunity has been taken to revise wording in the Code where it has not been clear and to include the revised description of the seven Principles of Public Life adopted by the Committee on Standards in Public Life in January 2013. Other than the changes referred to above, no major change is proposed to the Code which was adopted in July 2012.

4. FINANCIAL IMPLICATIONS [AB]

- [4.1 There are no financial implications relating to this report.

5. LEGAL IMPLICATIONS LH

Within the body of the report

6. CORPORATE PLAN IMPLICATIONS

Strong and Distinctive Communities

7. CONSULTATION

[List the individuals, groups or organisations that have been consulted in the process of the report – this must include the voluntary sector, via Voluntary Action Hinckley & Bosworth]

8. RISK IMPLICATIONS

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to adopt a common code leading to confusion for members for declaring interests	Agree common code or ensure that differences and responsibilities are understood	LH

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

This applies to Councillors

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: None

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