



**VICARIOUS LIABILITY POLICY
REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE
DIRECTION)**

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

1.1 To present to members the draft Vicarious Liability Policy.

2. RECOMMENDATION

2.1 That members endorse the updated Vicarious Liability Policy for approval.

3. BACKGROUND TO THE REPORT

3.1 In some circumstances an employer may be held accountable for the acts and or omissions of those associated with the organisation. This also applies local authorities.

3.2 The introduction of this policy has the potential to protect the council from claims where it can show that those associated with the council have not complied with a policy and or published standards of behaviour.

4. FINANCIAL IMPLICATIONS [KP]

4.1 There are no financial implications arising directly from this report, though any claim made against the council may result in costs from legal support and settlement costs.

5. LEGAL IMPLICATIONS [EH]

5.1 In relation to vicarious liability the Council must ensure that it takes all reasonable steps to regulate and address the behaviour of officers in order to ensure it minimises its risk of being found vicariously liable. The area of law is wide and extensive and the legal implications within the report cannot be considered comprehensive, but must be seen as best practice.

5.2 Appropriate steps to be taken by the Council in order to minimise its risk of being found vicariously liable for officers actions include (but are not limited to):

- Clear policy statements as to acceptable and unacceptable behaviour and conduct supported by guidance
- Regular training for all staff on relevant policies, updated in line with developments in the law
- A system of distributing and advertising all such policies to all staff and ensuring the are reissued where updated.

5.3 The attached policy statement in relation to Vicarious liability assists the Council, when taken in conjunction with the other policies in place, such as the bullying and harassment policy. All such policies should be kept under review.

6. CORPORATE PLAN IMPLICATIONS

6.1 This policy has the potential to limit liability, provide guidance on what is expected and provides a defence against claims against the council for inappropriate and or damaging conduct by those associated with HBBC.

7. CONSULTATION

7.1 The trade unions have contributed to this policy and their recommendation have been incorporated.

8. RISK IMPLICATIONS

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

8.2 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.

8.3 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
The impact of vicarious liability can be costly in terms of time, reputation and financial cost.	Implementing and communicating this policy will improve the management of any claims.	Julie Stay

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 This policy makes a positive contribution to those that are associated with the council and supports the existing equality and diversity policies.

9.2 Non required at this stage – should HR projects affect changes on policy/structure then the relevant impact assessment will be undertaken.

10. CORPORATE IMPLICATIONS

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

- Human Resources implications

Background papers: Examples paper

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