

Agenda

Employment panel

Date: **Monday 15 January 2018**

Time: **10.00 am**

Place: **Committee Room 1, Shire Hall, St. Peter's Square,
Hereford**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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Agenda for the meeting of the Employment panel

Membership

Chairman

Councillor AW Johnson

Councillor H Bramer

Councillor RI Matthews

Councillor RJ Phillips

Councillor AJW Powers

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any member nominated to attend the meeting in place of a member of the panel.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by members in respect of items on this agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meetings held on 24 October and 8 November 2017.</p>	7 - 10
5.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public.</p> <p>Details of the scheme and related guidance are available here: https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved Please submit questions to councillorservices@herefordshire.gov.uk The deadline for the receipt of questions is 10 January 2018 at 5.00 pm. Accepted questions will be published as a supplement prior to the meeting.</p>	
6.	<p>QUESTIONS FROM COUNCILLORS</p> <p>To receive any written questions from councillors.</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk The deadline for the receipt of questions is 10 January 2018 at 5.00 pm. Accepted questions will be published as a supplement prior to the meeting.</p>	
7.	<p>STAFF DEPLOYMENT GUIDANCE</p> <p>To seek the views of the employment panel on the draft Staff Deployment Guidance. This is to ensure Herefordshire Council are adhering to the Civil Contingencies Act 2004. This is new guidance as we have previously relied on 'good will'.</p>	11 - 18
8.	<p>PAY POLICY STATEMENT</p> <p>To consider the 2018 pay policy statement for recommendation to Council. It is a statutory requirement for Council to approve an annual pay policy statement.</p>	19 - 30
9.	<p>EMPLOYEE CODE OF CONDUCT</p> <p>To seek the views of the panel on a new employee code of conduct, including policies on political restriction, declaration of interests, gifts and hospitality.</p>	31 - 80

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- Inspect minutes of the council and all committees and sub-committees and written statements of decisions taken by the cabinet or individual cabinet members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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Minutes of the meeting of Employment panel held at Committee Room 1 - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Tuesday 24 October 2017 at 2.00 pm

Present: Councillor AW Johnson (Chairman)

Councillors: RI Matthews, AJW Powers and EJ Swinglehurst

Officers: Chris Baird, Julie Davies and Tracey Sampson

10. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Bramer.

11. NAMED SUBSTITUTES (IF ANY)

Councillor EJ Swinglehurst for Councillor Bramer.

12. DECLARATIONS OF INTEREST

Councillor Matthews declared an interest in item 7 on the agenda as a member of his family was a member of the teaching profession in a local authority maintained school in Herefordshire.

Councillor Matthews left the room at 14:01 and took no further part in the meeting.

13. MINUTES

Resolved: that the minutes of the meeting held 13 July 2017 be approved as a correct record and signed by the chairman.

14. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were received.

15. QUESTIONS FROM COUNCILLORS

No questions were received.

16. TEACHERS PAY AWARD 2017/18

The head of HR and organisational development and the HR services manager provided an update on the position taken by other councils in the region. The position had changed from that set out in paragraph 6 of the report. A number of other councils, including some bordering Herefordshire had decided to apply a 2% increase across the main pay range. One neighbouring authority had decided to implement the proposal as set out in the report but give schools the option to implement 2% across the main pay range if they wished. The upper pay range, leadership grades, teaching and learning responsibilities and special educational needs allowances would receive a 1% increase as set out in the report.

In discussion it was noted that:

- the cost of living would always be a shifting picture;
- the proposals had been arrived at after a considerable amount of work and discussion;
- academies were not bound by these proposals but had historically followed the council's approach;
- although headteachers were sympathetic to the suggestion of a 2% increase across the pay scale, concerns had been expressed about the affordability of this option, the proposals in the report represented a consensus view;
- it had to be assumed that cross border academy trusts would implement the same pay increase across all schools in the trust;
- one of the trade unions continued to lobby for a 2% increase across the main pay range, the other unions would have preferred a greater increase but were understanding of the proposal and would provide further comment once a decision had been reached;
- schools had been advised to budget for a 1% increase, any additional cost would come from the dedicated schools grant and not from the council's base budget;
- there was a need to be aware of the long term impact on school budgets;
- if different councils implemented different pay increases there could be an impact on recruitment and retention, there was no hard evidence that a 1% variance would make a significant difference but care should be taken that any divergence did not grow year on year.

The option to allow schools to decide for themselves whether to implement the 2% increase across the main pay range was discussed. The main points raised were:

- recruitment and retention of good teachers supported the council's priorities for school achievement;
- competition for staff within Herefordshire could have more of an impact than competition with other council areas;
- smaller schools in particular might struggle to afford the greater increase;
- external factors would always had an impact regardless of the option taken; and
- it was important to show that all options had been considered.

It was the majority view of the panel, on a two to one basis, that the option to allow schools the choice to implement a 2% increase across the main pay range not be pursued.

Resolved:

that the panel endorse the proposals to approve:

(a) a 2% increase for teachers on the main pay range point M1 from 1 September 2017;

(b) a 1% increase for teachers on all other scale points from 1 September 2017;

(c) a 1% increase for all allowances paid to teachers from 1 September 2017

The meeting ended at 2.32 pm

Chairman

Minutes of the meeting of Employment panel held at Committee Room 1, Shire Hall, St. Peter's Square, Hereford on Wednesday 8 November 2017 at 10.00 am

Present: Councillor AW Johnson (Chairman)

Councillors: JG Lester, RI Matthews and AJW Powers

Officers: Alistair Neill and Andrew Kerry

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor H Bramer.

18. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.171 of the council's constitution, Councillor JG Lester attended the meeting as a substitute member for Councillor H Bramer.

19. DECLARATIONS OF INTEREST

There were no declarations of interests.

20. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public

21. QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

22. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act (as amended) as indicated below.

This report is exempt from publication by virtue of paragraph 1 (information relating to an individual).

23. APPOINTMENT OF DIRECTOR FOR CHILDREN'S WELLBEING

Summary of exempt proceedings

After a full and rigorous appointment process, including final interviews earlier in the day, the employment panel agreed that, subject to there being no valid objections, Chris Baird be appointed as the council's director for children's wellbeing.

RESOLVED: That

- (a) subject to there being no valid objections received from cabinet members by 9.00 am on 10 November, Chris Baird be appointed as the council's director for children's wellbeing.**

24. APPOINTMENT OF DIRECTOR OF PUBLIC HEALTH

Summary of exempt proceedings

After a full and rigorous appointment process, which involved Public Health England, the employment panel agreed that, subject to there being no valid objections, Karen Wright be appointed as the council's director of public health.

RESOLVED: That

- (a) subject to there being no valid objections received from cabinet members by 9.00 am on 10 November, Karen Wright be appointed as the council's director of public health.**

The meeting ended at 3.24 pm

Chairman



Meeting:	Employment panel
Meeting date:	Monday 15 January 2018
Title of report:	Staff Deployment Guidance
Report by:	Director for economy, communities and corporate

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To seek the views of the employment panel on the draft Staff Deployment Guidance. This is to ensure Herefordshire Council are adhering to the Civil Contingencies Act 2004. This is new guidance as we have previously relied on 'good will'.

Recommendation(s)

That:

- a) **the panel determine any recommendations it wishes to make to the chief executive regarding the draft staff deployment guidance at appendix 1.**

Alternative options

1. There are no alternatives to the recommendation; the constitution requires the chief executive to consult with the panel on changes to employee terms and conditions including policies, and it is open to the panel to suggest amendments or clarifications to the draft guidance to inform the chief executive's decision-making
2. Not to have a Staff Deployment Guidance. This is not recommended as it would leave the council (when an emergency incident occurs) at risk of not having the resilience or ability to

Further information on the subject of this report is available from
Ian Baker, 01432 260223, email: ibaker@herefordshire.gov.uk

staff the function(s)/service(s) required, therefore leading to non-compliance off the Civil Contingencies Act 2004 (CCA 2004).

3. To deploy staff without offering monetary enhancement. Not recommended as staff may need to be deployed into tasks above and beyond their contracted hours and duties. Without fair compensation, staff may refuse to be deployed. An alternative would be to offer staff time off in lieu but it is understood that this would not be attractive enough to staff to ensure we can fulfil our Civil Contingencies responsibilities.

Key considerations

4. To enable us to meet our statutory responsibilities under the CCA 2004, we need to build resilience within our work force. This means we need to train individuals to be able to carry out these functions (such as Rest Centre support, Emergency Information Line) over and above their normal contracted working hours. The draft guidance sets out how we will compensate employees for taking on these additional duties outside of their normal working hours.
5. It is incumbent on Herefordshire Council to be able to act in an emergency situation in order to support the response and lead the recovery phase of any emergency or major incident in Herefordshire. To enable the organisation to be confident that it has staff that are trained, able and willing to respond to these events when they occur a programme of training and on-going recruitment of staff is required. These extra duties would normally fall outside of the normal working day.
6. Herefordshire Council should not rely on the "good will" of its employees to ensure that these emergency functions are carried out and therefore a payment for additional duties that are required outside of directed working hours is proposed. Historically employees have 'volunteered' their time. Other areas within Herefordshire Council (such as Electoral Services) pay staff who undertake additional duties to meet corporate requirements. Subject to approval changes to remuneration will be made as and when the need arises and the changes to this guidance will be communicated to the Gold and Silver Officers so that they are aware they can call people in and pay them for any additional hours they undertake.

Community impact

7. If we do not provide these services using council staff in the event of an emergency incident, the Community (potentially vulnerable people) would not know where to go or have the support they require.

Equality duty

8. Under Section 149, the "General Duty" on public authorities is set out thus:

"A public authority must, in the exercise of its functions, have due regard to the need to -

eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

9. This guidance does not impact on the council's ability to deliver its public sector equality duty however any 'reasonable adjustments' already agreed for employees must be considered when invoking any staff deployment.

Resource implications

10. There is no corporate funding set aside for any emergency response. As every incident is different, it is not possible to give a figure to what the costs will be as it could range from hundreds of pounds through to millions of pounds - dependent on the incident. For instance to evacuate and care for the residents of a Care Home, the costs would fall to Social Care. For a large scale flooding incident, a Project Code would be established so that all costs (repair works, staff costs etc.) can be collated and claimed from the Government's Bellwin Scheme however this cannot be guaranteed.

Legal implications

11. The Civil Contingencies Act 2004 came into force 1 April 2005 and was fully implemented 15 May 2006, establishing a new legislative framework for civil protection. It imposed a clear set of roles and responsibilities on those organisations with a role to play in preparing for and responding to emergencies.
12. This council has a key role to play discharging our duties under the legislation including assessing risk of emergencies and implementing emergency plans.
13. The proposed staff deployment guidance, enables managers to make reasonable requests for council officers to assist with the benefit of additional terms and conditions of employment whilst undertaking the duties.

Risk management

14. Reputational – should an emergency or major incident happen and Herefordshire Council are deemed not to have provided the required services for the public or put more people at risk for not taking the appropriate response levels, it could have an adverse effect on the reputation of the council most probably on a national basis.
15. Financial – the council could find themselves being challenged by central government if they do not adhere to their responsibilities under the Civil Contingencies Act 2004.

Consultees

16. Trade Unions have been consulted and are supportive.

Appendices

Appendix 1 - Staff Deployment Guidance

Background papers

None

Staff Deployment Guidance

This Guidance covers the deployment of staff in business critical situations such as an emergency or a surge in service provision.

It focuses on management of staff and assumes that managers have identified through their business continuity planning those jobs that are deemed as critical or non-critical.

For the purposes of this Guidance:

- **Service delivery:** includes the provision of additional services to meet the needs of the emergency or surge in service provision
- **Critical jobs:** are those jobs identified in business continuity plans as being critical to maintaining a service.

Activation of the Staff Deployment Guidance will be initiated by a member of the council's management board. It should be borne in mind that this is a corporate responsibility rather than that of an individual service.

Impact upon staffing levels

Staff are expected to undertake alternative work that is reasonably asked, as directed by their line management and work flexibly to meet the needs of the organisation and their contractual obligations.

It is recognised that to maintain or enhance service delivery, the council may need to make temporary changes to working patterns/duties as well as work location. In line with existing practice, managers should, wherever possible, discuss in advance any potential changes with employees. Managers should give reasonable consideration to personal circumstances. However, employees are also expected to make all reasonable attempts to be flexible during this time.

All critical services must have business continuity plans in place. It is the responsibility of the relevant service managers to maintain appropriate staffing levels and to ensure that service critical employees are aware of their responsibilities.

Deployed staff will be given details of their temporary working arrangements, for example:

- Location of work place
- A brief of the different tasks/work to support critical services
- Additional payments (if working unsocial hours etc).
- Ability to take TOIL or flexi time

Risk assessment

Under health and safety, relevant risk assessments must be carried out prior to deployment of staff to ensure different environments or circumstances such as inclement weather are taken into consideration. The risk assessments must be carried out by the manager of the affected service prior to deployment. Existing risk assessments for these jobs and activities should take into consideration the new environments and modified activities.

Release for training

As a category 1 responder (as defined by the Civil Contingencies Act 2004) the council has a corporate responsibility to provide certain additional functions during the emergency response and recovery phases. Managers must release employees for training who have either volunteered or have been identified as non-critical to undertake these functions. This training is to be regarded/recorded as work time.

Sources of staffing

Where increased demands for staff or a specific resource are identified, deployment will commence. Potential sources that could be utilised are as follows:

Internal deployment

It may be appropriate to seek employees to volunteer to work in other service/work areas. In such circumstances the employee's manager must confirm that the employee is not in a critical role.

If possible, deployment should be voluntary. However, there will be circumstances where managers request staff (ensuring it is a fair and equitable basis) to be deployed. In such situations they will retain their normal pay.

Employees will be recompensed for increased mileage and subsistence in accordance with the travel and subsistence guidance.

Agency and relief staff

Relief and/or agency staff may be utilised to enhance essential services as appropriate. This should be arranged through agreed channels such as via Hoople Recruitment. It should also be recognised that there may be availability issues for such staff.

Absence from work

Normal procedures should be followed if an employee is unable to attend their deployed place of work.

Where employees are reluctant to undertake different work, managers need to ascertain the concerns or reasons behind this. They should contact the specialist services to see how their concerns can be reasonably addressed.

Managers should consider and communicate the arrangements that would apply to disabled employees where a reasonable adjustment has been made for undertaking work if deployed.

Treatment of leave

Where possible, pre-booked leave will be honoured. However, there may be occasions when pre-booked leave (either annual or flexitime) or non-working days may need to be postponed to meet organisational requirements.

Arrangements for reimbursement of additional hours

Employees may be asked to work additional and possibly unsocial hours or to work their contracted hours outside their normal working day to sustain either service delivery of critical services or those additional functions required during an emergency. Any additional hours worked should be reimbursed as appropriate to terms and conditions and may include:

- TOIL/flexi time
- additional hours payment
- payment enhancements
- unsocial hours payments.

If reimbursement is to take the form of payment, the below should be followed:

Emergency Response:

<u>Function/Role</u>	<u>Hourly Rate</u>	<u>Enhancement for all posts</u>
Rest Centre Manager	£10.44	Bank Holiday – double time and
Rest Centre Supervisor	£9.03	minimum payment of 2 hours
Rest Centre Staff	£8.55	
Loggist	£8.55	
Emergency Information Line Supervisor	£9.03	
Emergency Information Line Operator	£8.55	

The hourly rate can only be claimed outside of the employees normal working hours.

For the above posts a one off call out allowance (per incident) of £50 will be paid.

Staff will also be entitled to claim for mileage incurred.

Staff (such as Social Care/Emergency Planners) who undertake night shift(s) to ensure service provision or to support the Emergency Response Centre representing their service area/directorate will be recompensed under their normal Terms and Conditions.

Deployment:

If staff are being deployed, employees can expect to be paid in accordance with the Standard Terms and Conditions of Employment.

Employees will receive a £10 per day Deployment Fee in line with standby allowances.

Staff will also be entitled to claim for any additional mileage travelled to their new work location. For example, if their usual journey from home to Plough Lane is 3 miles and the journey to their new work location is 7 miles, they would be entitled to claim for the additional 4 miles.

Additional working hours must be subject to the need to comply with the requirements of Working Time Regulations to ensure appropriate length of daytime working hours, night shifts and rest breaks.

Document control

Version	Date issued	Description of change	Pages affected	Reason
3.0	June 17	New issue	All	New/reviewed document



Meeting:	Employment panel
Meeting date:	Monday 15 January 2018
Title of report:	Pay Policy Statement
Report by:	Head of Human Resources and Organisation Development

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To consider the 2018 pay policy statement for recommendation to Council. It is a statutory requirement for Council to approve an annual pay policy statement. Key changes from the 2017 statement are to include elements of the reward policy, make reference to school support staff, and some rewording to improve clarity.

Recommendation(s)

That:

- (a) the draft pay policy statement at appendix A be recommended to full Council for approval.

Alternative options

1. There are no alternative options to the recommendation; the annual approval by Council of the pay policy statement is a statutory requirement arising from the Localism Act 2011 to provide transparency with regard to the council's approach to setting the pay of its

Further information on the subject of this report is available from
 Hazel Maidman, senior HR adviser policy reward and projects or Tracey Sampson, head of HR and OD
 Tel: 01432 260023, email: Tracey.Sampson@herefordshire.go.uk

employees. The statement does not of itself make any policy changes, but provides a summary of those policies already in place.

2. It is open to the panel to determine any changes it wishes to make to the statement to improve transparency, having regard to the statutory guidance issued by the Department for Communities and Local Government.

Key considerations

3. The Localism Act places a requirement on the council to produce an annual pay policy statement for each financial year and for this statement to be approved by full Council before the start of the financial year to which it relates.
4. The statement must set out the council's policies relating to:
 - a) The remuneration of its chief officers
 - b) The remuneration of its lowest paid employees; and
 - c) The relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
5. The statement must include the council's definition of 'lowest paid employees' and the reasons for adopting that definition.
6. The statement must include policies relating to:
 - a) The level and elements of remuneration for each chief officer
 - b) Remuneration of chief officers on recruitment
 - c) Increases and additions to remuneration for each chief officer
 - d) The use of performance related pay for chief officers
 - e) The use of bonuses for chief officers
 - f) The approach to the payment of chief officers on their ceasing to hold office under, or to be employed by the authority; and
 - g) The publication of and access to information relating to remuneration of chief officers
7. The statement draws together factual material and provides a summary of the current pay policies of the council.
8. All posts, whether chief officer or not, have their level of remuneration established through assessment by a nationally recognised and independent job evaluation scheme. Council must approve any new salary packages, or severance payments, exceeding £100,000.
9. In approving its statement, Council must have regard to any guidance issued by the secretary of state. This has been taken into consideration in the development of the statement.
10. The 2018 statement has been reviewed against the statutory requirements and re-ordered to better match the headings in the regulations. Elements from the current reward policy have been included for completeness. Appendix B contains a summary of the changes.

Community impact

11. By complying with the legal requirement the council continues to ensure that the resources available are used in the most effective way and there is transparency in how public money is used. This contributes to the corporate plan priority to secure better services, quality of life and value for money.
12. By publishing the statement the council is demonstrating the code of corporate governance principles of implementing good practices in transparency, reporting, and audit to deliver effective accountability, and behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

Equality duty

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. The pay policy statement makes clear that the council's employment policies, and the processes by which pay levels for a post are set, have full regard to equality legislation.

Resource implications

15. There are no financial implications relating to the pay policy statement arising from the report; the statement simply summarises current policies and pay levels.

Legal implications

16. Sections 38 – 43 of the Localism Act 2011 require that the council prepare a pay policy statement for each financial year. It must be prepared and approved before 31 March and once approved published. This policy statement meets the requirements of the Localism Act and also meets the requirements of the guidance issued by the Secretary of State for Communities and Local Government to which the council is required to have regard under Section 40 of that Act.

Risk management

17. Failure to approve and publish a statement would result in non-compliance with a statutory requirement. Arrangements are in place to ensure publication of the statement following approval by Council.

Consultees

18. None.

Appendices

Appendix A – draft pay policy statement

Appendix B – changes from 2017 pay policy statement

Background papers

None identified.

PAY POLICY STATEMENT 2018

Introduction

1. This document meets section 38(1) of the Localism Act 2011 that requires councils to produce an annual pay policy statement that articulates the council's own policies towards a range of issues relating to the pay of its workforce, particularly its senior staff and lowest paid employees. The majority of terms and conditions are universal and apply to all employees, unless otherwise specified.
2. This document does not apply to schools, other than reference to pay for bargaining for support staff in locally maintained schools.
3. Herefordshire Council's rules with regard to employment of staff are set out within the employment rules contained within [Part 4 section 9 of the constitution](#).
4. The statement is subject to annual review. Council has delegated authority to the monitoring officer to make in year amendments to reflect changes to post holder details or changes to local or national pay policy.

Pay structure / national frameworks

5. Herefordshire Council is committed to fair pay and grading determined by a robust and objective job evaluation process. The National Joint Council's job evaluation scheme is used for identifying the pay grade for all posts up to HC7 and the Hay job evaluation scheme for all posts above this level.
6. The council's pay structure is based on the National Joint Council for local authorities pay spine as the basis for its local grading structure up to HC13. Pay rates above this are locally determined. The pay structure is at appendix 1. The council adheres to the national pay bargaining for local government employees, including any negotiated annual cost of living increases. This also applies to support staff in local authority maintained schools.
7. All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by council policy.
8. The terms and conditions of employment for the majority of council employees are determined by the National Joint Council for local authorities. Employees on director grade and above are aligned to the Joint Negotiating Committee for Chief Officers of Local Authorities (or Joint Negotiating Committee for Chief Executives of Local Authorities). These may be amended, supplemented or superseded by decisions on conditions of service made by the council from time to time and contained within the council's employment policies and procedures.
9. Nationally or locally determined rates and terms and conditions apply for other employee groups including:

- Employees whose pay and conditions are determined by the Soulbury Committee;
- Centrally employed teachers whose pay and conditions are determined nationally;
- Employees who have transferred from the NHS to the council and retain their former terms and conditions of employment;
- Employees who have retained terms and conditions of employment from other employers following a TUPE transfer to the council.

Level and elements of remuneration for each chief officer

10. For the purpose of this statement 'senior management' means 'chief officers' as defined within section 43 of the Localism Act. The posts falling within this definition are listed below, with details of their grade.

	Post Title	Salary grade	Notes
	CEO Herefordshire Council (head of paid service)	CX	
	Solicitor to the council (0.3 fte) (monitoring officer – 0.7fte)	HC13 HoS2	1
Statutory chief officers			
	Director of children's wellbeing	DIR1	
	Director for adults and wellbeing	DIR1	
	Chief finance officer (section 151 officer)	DIR2	
	Director of public health (0.6fte)	HOS1	2
Non statutory chief officers			
	Director for economy communities and corporate	DIR1	
Deputy chief officers			
	Assistant director safeguarding and family support	HOS1	3
	Assistant director adults and wellbeing commissioning (acting)	HOS2	
	Assistant director education and commissioning	HOS1	
	Assistant director environment and place	HOS1	
	Assistant director communities	HOS1	
	Assistant director operations and support	HOS1	
	Programme director – housing and growth	HOS2	
	Head of human resources and organisation development	HOS2	
	Head of corporate finance (deputy S151 officer) (0.81fte)	HC13	
	Head of corporate governance	HC11	
	Head of management accounting (deputy S151 officer)	HC13	
	Consultant in public health	HOS2	
	Public health specialist (0.6 fte)	HC13	

1. Reflects percentage split for substantive role and monitoring officer responsibilities
2. Plus market forces supplement of £12,000
3. Plus market forces supplement of £5,000

Remuneration of lowest paid employees

11. Lowest paid employees are defined as those paid on full time (37 hours) equivalent salaries on scp10, which is the minimum spinal column point currently in use within the council's grading structure. The council employs apprentices who are not included within the definition of 'lowest paid employees' as they are on a learning agreement.

Relationship between remuneration of chief officers and remuneration of employees who are not chief officers

12. The relationship between the rate of pay for the lowest paid and chief officers is determined by the job evaluation process used for establishing the grading of posts and grade/role profiles as set out earlier in this policy statement.

Remuneration on recruitment

13. New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate or if an internal candidate is appointed on promotion so that a pay rise ensues. The chief executive and directors are on a spot salary.

Increases and additions to remuneration

14. Employees, within a salary pay band, receive annual increments until the top of their salary grade has been reached. The first increment is paid when the employee has been in post for 12 months or six months after appointment, whichever is the later. This does not apply to the chief executive or directors. In exceptional circumstances increments may be accelerated within the grade on grounds of special merit or ability subject to the maximum of the level not being exceeded.
15. The chief executive is the returning officer for Herefordshire. No additional payment is made for fulfilling this duty.
16. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where this is necessary the council will ensure the requirement for such a market forces supplement is objectively justified by reference to clear and transparent evidence of relevant market comparators. Similarly, as appropriate a welcome payment and/or retention payment may be applied to specific hard to fill posts. These are regularly reviewed.

Use of performance related pay, bonuses or pension enhancements

17. The council does not apply any bonuses or performance related pay to employees.
18. Honoraria payments are made to recognise either a special contribution an employee has made that is over and above general performance in a role, or where they have temporarily undertaken additional responsibility at a higher grade.
19. Pension enhancements are made in line with the council's LGPS discretions policy.

Benefits in kind

20. Employees have access to salary sacrifice schemes for bicycles. The council also operates a salary sacrifice for childcare vouchers to those employees already in the scheme at 1 April 2018.
21. Reasonable relocation expenses may be paid for new employees or workplace relocation. Employees are reimbursed for reasonable travel and subsistence expenditure incurred in the course of their work. Subsistence is only paid when travelling outside of the county.

22. Worcestershire County Council administers the local government pension scheme on behalf of the council.

Approach to payment on ceasing to hold office under or to be employed by the authority

23. The council's policy on termination of employment of employees prior to reaching normal retirement age is to base redundancy payments on the statutory calculation multiplied by 1.5.

24. The council operates a mutual early resignation scheme (MERS) under which an individual employee, in agreement with the council, chooses to leave employment in return for a severance payment or, if in the Local Government Pension Scheme and aged over 55, a pension that is not actuarially reduced. It is not a redundancy or a voluntary redundancy.

Accountability and decision making

25. In accordance with the council's constitution, the employment panel (in respect of the chief executive, monitoring officer, Section 151 officer and directors) or the chief executive (in respect of all other employees) is responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements in relation to employees of the council.

26. For those pay accountability matters identified within the Localism Act as being reserved to Council, the employment panel will be the body accountable for formulating recommendations to council including the undertaking of an annual review of this statement before recommending its approval to council as one of the suite of documents council approves as part of its medium term financial strategy. The pay policy statement therefore forms part of the budget and policy framework of the council.

27. In addition to approval of this statement, the right of approval of new salary packages over £100,000 is reserved to Council. In such circumstances the employment panel will be the body accountable for developing recommendations to Council.

Publication of and access to information

28. After approval by Council, this statement will be published on the council's website. In addition, statutory employees' (chief executive, directors, including the chief finance officer, and monitoring officer) details are disclosed in the council's annual statement of accounts (available at:

https://www.herefordshire.gov.uk/info/200148/your_council/11/council_budgets_and_spe nding) setting out the total amount of:

- Salary, fees or allowances paid to or receivable by the person in the current and previous year.
- Any bonuses so paid or receivable by the person in the current and previous year.
- Any sums payable by way of expenses allowance that are chargeable to UK income tax.
- Any compensation for loss of employment and any other payments connected with termination.
- Any benefits received that do not fall within the above.

APPENDIX 1			
Herefordshire Council pay and grading structure – 1 April 2017			
Grade	National SCP (scp50 & above are local)	Annual Pay Rate £	Hourly Pay Rate £
HC1	6	15,014	7.78
	7	15,115	7.83
HC2	7	15,115	7.83
	8	15,246	7.90
	9	15,375	7.97
	10	15,613	8.09
HC3	10	15,613	8.09
	11	15,807	8.19
	12	16,123	8.36
	13	16,491	8.55
HC4	13	16,491	8.55
	14	16,781	8.70
	15	17,072	8.85
	16	17,419	9.03
HC5	17	17,772	9.21
	18	18,070	9.37
	19	18,746	9.72
	20	19,430	10.07
	21	20,138	10.44
HC6	21	20,138	10.44
	22	20,661	10.71
	23	21,268	11.02
	24	21,962	11.38
	25	22,658	11.74
	26	23,398	12.13
HC7	26	23,398	12.13
	27	24,174	12.53
	28	24,964	12.94
	29	25,951	13.45
	30	26,822	13.90
	31	27,668	14.34
HC8	31	27,668	14.34
	32	28,485	14.76
	33	29,323	15.20
	34	30,153	15.63
	35	30,785	15.96
	36	31,601	16.38
HC9	36	31,601	16.38
	37	32,486	16.84
	38	33,437	17.33
	39	34,538	17.90
	40	35,444	18.37
HC10	41	36,379	18.86
	42	37,306	19.34
	43	38,237	19.82
	44	39,177	20.31
	45	40,057	20.76
HC11	46	41,025	21.26
	47	41,967	21.75
	48	42,899	22.24
	49	43,821	22.71
	50	45,011	23.33

HC12	51	46,231	23.96
	52	47,488	24.61
	53	48,781	25.28
	54	50,104	25.97
	55	51,465	26.68
HC13	56	52,866	27.40
	57	54,302	28.15
	58	55,778	28.91
	59	57,294	29.70
HoS2		72,103	37.37
		74,050	38.38
		76,048	39.42
HoS1		78,102	40.48
		80,211	41.58
		82,374	42.70
Director 2		99,970	
Director 1		122,412	
CX		147,915	

PAY POLICY STATEMENT 2018 – SUMMARY OF CHANGES FROM 2017

Appendix B

The majority of the content is the same, although there has been some re-ordering to better align to the headings in the legislation. It does not include changes to the senior manager remuneration table, nor minor word changes.

Added to 2018 (Paragraph references relate to 2018 document)	2017 wording deleted (Paragraph references relate to 2017 document)	Re-worded
<p>Para 2 ...other than reference to pay for bargaining for support staff in locally maintained schools.</p> <p>Para 6 This also applies to support staff in local authority maintained schools.</p> <p>Para 8 The terms and conditions of employment for the majority of council employees are determined by the National Joint Council for local authorities.</p> <p>Para 9 (2nd bullet) Centrally employed teachers whose pay and conditions are determined nationally</p> <p>Para 13 ...or if an internal candidate is appointed on promotion so that a pay rise ensues</p> <p>Para 14 In exceptional circumstances increments may be accelerated within the grade on grounds of special merit or ability subject to the maximum of the level not being exceeded.</p> <p>Para 18 Honoraria payments are made to recognise either a special contribution an employee has made that is over and above</p>	<p>Para 2 The purpose of this statement is to provide transparency with regard to the council's approach to setting the pay of its employees (excluding staff working in schools etc) by identifying the:</p> <ul style="list-style-type: none"> • Methods by which salaries of all employees are determined; • Detail and level of remuneration of the council's most senior staff; • Remuneration of the council's lowest-paid employees; and • Relationship between the remuneration of senior officers and those employees who are not. <p>Para 6 In determining its grading structure and setting remuneration levels for all posts, the council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times those services are required.</p> <p>Para 11 In response to the financial challenges facing all councils, since 2013 all employees are required to take two days unpaid leave; this does not affect pensionable pay.</p>	<p>Para 5 (2017) amended to para 6 (2018)</p> <p>The council's pay structure is based on the National Joint Council for local authorities pay spine as the basis for its local grading structure up to HC13. Pay rates above this are locally determined. The pay structure is at appendix 1. The council adheres to the national pay bargaining for local government employees, including any negotiated annual cost of living increases</p> <p>Para 17 (2017) amended to para 21 (2018)</p> <p>Reasonable relocation expenses may be paid for new employees or workplace relocation. Employees are reimbursed for reasonable travel and subsistence expenditure incurred in the course of their work. The latter is only paid when travelling outside of the county.</p> <p>Para 22 (2017) amended to para 11 (2018)</p> <p>Lowest paid employees are defined as those paid on full time (37 hours) equivalent salaries on scp10, which is the minimum spinal column point currently in use within</p>

20

general performance in a role, or where they have temporarily undertaken additional responsibility at a higher grade.

Para 19 Pension enhancements are made in line with the council's LGPS discretions policy.

Para 20 Employees have access to salary sacrifice schemes for bicycles. The council also operates a salary sacrifice for childcare vouchers to those employees already in the scheme at 1 April 2018.

Para 22 Worcestershire County Council administers the local government pension scheme on behalf of the council.

Para 14 The contract for services budget amount should not be confused with or interpreted as a salary that an interim chief officer would receive through a contract for service arrangement as the budget covers the cost of the service provided, including national insurance, pension contributions and the cost of the agency managing the contract and does not directly relate to the value of the remuneration paid to the individuals carrying out the work.

Para 15 ...for local elections as this is built into the overall salary, although there is an additional payment for national elections at a nationally set rate. Employees who undertake election duties are paid a fee that is set by the returning officer depending on the duties undertaken.

Para 19 ...in accordance with regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulation 12 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007 (as amended),

Para 21 Any officer previously employed by Herefordshire Council in receipt of a severance, redundancy or MERS payment when their employment ceases may not be re-employed by the authority (including under a contract of service or as an agency worker) until a period of at least six months has elapsed, unless required to meet exceptional circumstances (in which case the payment would be claimed back on a pro-rata basis). If an individual does return to the council within one month they would be required to repay any MERS payment in full.

the council's grading structure. The council employs apprentices who are not included within the definition of 'lowest paid employees' as they are on a learning agreement.



Meeting:	Employment Panel
Meeting date:	Monday, 15 January 2018
Title of report:	Employee code of conduct
Report by:	Head of Human Resources and Organisational Development

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To seek the views of the panel on a new employee code of conduct, including policies on political restriction, declaration of interests, gifts and hospitality.

The employee code of conduct sits within the council's constitution. Council has delegated its approval to the chief executive as head of paid service, and in exercising that function the chief executive must seek the views of the employment panel.

The employee code of conduct has been refreshed having regard to the design principles underpinning the constitution, and is intended to provide a clear statement to employees and the public, of the expected standards, and related processes.

Recommendation(s)

That:

- (a) the panel determine any recommendations it wishes to make to the chief executive regarding the draft employee code of conduct.**

Alternative options

1. There are no alternatives to the recommendations. The constitution requires the chief executive to consult with the panel on changes to employee terms and conditions including policies, and it is open to the panel to suggest amendments or clarifications to the draft code to inform the chief executive's decision-making.

Key considerations

2. The public is entitled to expect the highest standards of behaviour from council employees and members and the respective codes of conduct should set out in clear and unambiguous terms what those standards are. Both codes form part of the council's constitution.
3. The current employee code of conduct (at appendix 1) was adopted in 2012 and has remained largely unchanged. Audit and Governance Committee agreed a set of design principles which informed the wider review of the council's constitution. Those principles were that:
 - Members and officers perform effectively in clearly defined functions and roles
 - Maximise member engagement and participation, including the involvement of all members in the development of key policies
 - Decision making is informed, transparent and efficient
 - The council welcomes public engagement and makes accountability real
4. A review has been undertaken of the employee code of conduct which, in addition to having regard to the design principles, has sought to address the following:
 - the employee code clearly reflects the Nolan principles in respect of standards in public life
 - the employee and member codes align where appropriate, recognising the different functions and roles that members and officers have
 - the employee code reflects the council's agreed values
 - the employee code applies to all employees
 - establishing clear and consistent procedures across the whole organisation
 - the employee code is clear and easy to understand
 - compliance with the law and with best practice
5. A revised draft code is attached at appendix 2. A significant change from the current code is that the new policies on declaration of interests, gifts and hospitality, and political restriction now form an appendix to the code; these are attached at appendix 3. The inclusion of these policies ensures that all employees and the public are able to find, in a single place, information about the standards expected, the processes to be followed, and the implications of not adhering to those standards.
6. Employment panel is invited to comment on the proposed employee code and determine any recommendations it wishes to make to the chief executive.
7. It is intended that, once approved, the final document will be implemented from 1 April 2018. For any code to be effective it is essential that all employees are aware of the requirements of the code and work together to uphold the expected standards. A communications programme will be developed to launch the new code and to ensure both

managers and staff understand their respective obligations. From April 2018 the new code will form part of the induction process for all new starters.

8. The effectiveness of the new code will be monitored and action taken as necessary. The 2019 employee opinion survey will be used to assess how widely the new code has been communicated and how well it is understood by staff and managers.

Community impact

9. As set out in the code of corporate governance, Herefordshire Council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, we can demonstrate the appropriateness of all our actions across all our activities and have mechanisms in place to encourage and enforce adherence to ethical values and respect the rule of law.
10. A clear and effective employee code of conduct helps the council to uphold the code of corporate governance principle of “Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law”.

Equality duty

11. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
12. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. The draft code ensures that all employees are given clear information about the standards of behaviour expected to support the council fulfil this duty.

Resource implications

13. There are no financial implications arising from the recommendations.
14. The resourcing of communication and training arising from the adoption of the new code will be met from within existing HR budgets.

Legal implications

15. The council must prepare and keep up to date a constitution in accordance with s37 of the Local Government Act 2000. The minimum requirements for the content are set out in The

Local Government Act 2000 (constitutions) (England) Direction 2000 which include the requirement of a code of conduct for local government employees.

16. The constitution does not form part of employees' terms and conditions of employment. The code of conduct is a policy document which all employees are reasonably required to adhere to.

Risk management

17. If employees are unaware or unclear of the standards of behaviour expected of them, the implications of not maintaining those standards, or of how to raise a concern if they feel those standards are not being met, the number of internal disciplinary actions and/or exposure to legal challenge will increase, along with the likelihood of financial and reputational risk to the council. The current code of conduct is not sufficiently clear and is not aligned to the Nolan principles; adopting a new code together with a communications and training plan will mitigate those risks.

Consultees

18. Audit and governance committee, which maintains an overview of the constitution, has established a constitution review working group which has also been consulted. As a result of this consultation the declaration of interests policy in appendix 3 has been amended to make it more consistent with the members' code of conduct.
19. Consultation with the trades unions through the joint partnership forum is running currently and comments from the trade unions will be considered before a final draft is produced.

Appendices

Appendix 1: current employee code of conduct

Appendix 2: draft employee code of conduct

Appendix 3: draft appendix to proposed employee code of conduct

Background papers

None identified.

Please note – this is the current code for information only.

Section 3 – Employee Code of Conduct

Note – approval awaited for updated code of conduct – current code remains in force as set out below

5.3.1 POLICY

5.3.2 The public is entitled to expect the highest standards of conduct from every employee who works for the Council.

5.3.3 This Code of Conduct provides a minimum set of standards of conduct expected of employees at work and the link between that work and their private lives. The code takes into account the requirements of the law and regulations. It is produced in the light of the challenges that employees working in today's local government environment face and is intended to lay down guidelines which help maintain and improve standards of service as well as protecting employees from misunderstanding or criticism.

5.3.4 SCOPE

5.3.5 The Code applies to all employees of Herefordshire Council, including schools.

5.3.6 DEFINITIONS

5.3.7 The meaning of some key words and phrases, for the purposes of this policy, are explained below:

Manager. Either the manager, supervisor or team leader with line management responsibility for the employee, or an alternative manager where circumstances set out in the policy have been met.

5.3.8 RESPONSIBILITIES

5.3.9 **Managers are responsible** for ensuring that employees understand the standards of behaviour that are expected of them, maintaining those standards within their teams, and complying with the requirements of Council policies and procedures, should action need to be taken. These standards should be made clear during the induction process and as part of the ongoing communication with employees, including 1:1s, supervision meetings, the staff appraisal process and performance management meetings in schools.

5.3.10 **Employees are responsible** for familiarising themselves with the main standards of conduct, for asking their managers if they are unclear about what is expected of them, and for their own subsequent behaviour and actions.

5.3.11 CODE OF CONDUCT

STANDARDS

- 5.3.12 Employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality and courtesy.
- 5.3.13 Employees are expected, through Council procedures, and without fear of recrimination, to bring to the attention of their line manager any breaches of this or the Councillor Code of Conduct.
- 5.3.14 Where an employee believes that he or she has information which may suggest that some form of irregularity is taking place that information must be passed to their manager or Director. They should follow the Confidential Reporting Code (Part 5 section 4) as appropriate.

5.3.15 DISCLOSURE OF INFORMATION

- 5.3.16 The law requires that certain types of information must be available to Members, auditors, Government departments, service users and the public. Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to Committee Reports and background documents. The Council itself may decide to be open about other types of information. Managers must make employees aware of which information the council is prepared to disclose and which is confidential.
- 5.3.17 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor may they pass it on to others who might use it in such a way. Any particular information received by employees from a councillor, which is personal to that councillor and does not belong to the council, must not be divulged by an employee or other Members without the prior approval of that councillor, except where such disclosure is required or sanctioned by law.
- 5.3.18 Only employees authorised by their Line Manager or Head of Service to do so, may talk to the Press or otherwise make public statements on behalf of their Service or Directorate. Generally, an employee contacted by the Press should refer the matter to Communications who will deal with it as appropriate.

5.3.19 POLITICAL NEUTRALITY

- 5.3.20 Local government employees serve the Council as a whole and not individual Members or groups. They must respect the rights of all and must ensure that the individual rights of all Members are respected. An employee's personal or political views must not interfere with their work.
- 5.3.21 Some senior employees will be expected, within the Council's guidelines, to advise political groups. These employees have a duty to advise minority groups as well as the majority group.

- 5.3.22 The legislation controlling the direct activities of local government employees in politics, either national or local, must be adhered to. Generally the law restricts the political activities outside their work of the Chief Executive, Directors, Heads of Service, employees above a certain salary ceiling and those in posts considered to be regularly involved in providing advice to Members. Contracts of employment for employees in posts covered by the relevant legislation contain a restriction clause.
- 5.3.23 If there is any doubt whether or not a political activity is permitted, the Monitoring Officer must be consulted by the employee or Manager concerned.
- 5.3.24 Every employee, whether or not politically restricted, must follow every lawful expressed policy of the council and must not allow their own personal or political opinions to interfere with their work.

5.3.25 RELATIONSHIPS

The local community and service users

- 5.3.26 Employees must always remember their responsibility to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

Councillors

- 5.3.27 Employees are responsible to the council through its senior managers. All employees are there to carry out the Council's work and the role of some employees specifically includes giving advice to Councillors and senior managers. Mutual respect between employees and individual Councillors is essential to good local government. However, close personal familiarity between employees and individual councillors can damage the relationship and should be avoided so as not to bring the authority, or the individuals concerned into disrepute

Colleagues

- 5.3.28 Employees should treat colleagues with courtesy and respect at all times.

Contractors

- 5.3.29 All relationships of a business nature with external contractors, or potential contractors, must be made known to the Director, who will record the fact in a register kept for this purpose. Orders and contracts must be awarded on merit and in accordance with the Council's Contracts and Financial Procedure Rules (Part 4 sections 6 and 7).

Close Personal Relationships

- 5.3.30 Particular difficulties may be encountered with any of the above groups if the relationship is of a close personal nature. In such circumstances the 'Close Personal Relationships Policy and Procedure' applies (held separately from the Constitution).

5.3.31 APPOINTMENT AND OTHER EMPLOYMENT MATTERS

5.3.32 Employees involved in appointments must ensure that these are made on the basis of merit as set out in the job description, person specification and other job literature. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, an employee must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with them.

5.3.33 Similarly, suitable arrangements should be made when an employee may be in a position to be involved in decisions relating to discipline, promotion or pay for another employee with whom they have a close personal relationship.

5.3.34 More detailed information is contained in the Close Personal Relationships Policy and Procedure.

5.3.35 INFORMATION AND COMMUNICATIONS TECHNOLOGY

5.3.36 To ensure the security of the Council's Information and Communications Technology (ICT) protect the council's equipment from contamination and protect against claims of copyright infringement there is an absolute prohibition on the use of private software packages and "pirate" copies of software on any council computer equipment and the copying of council software by private concerns or vice versa.

5.3.37 Further information about this and other ICT policies can be found on the intranet.

You can obtain more advice and guidance by either contacting the information security team by email infosec@herefordshire.gov.uk or by phone 01432 260160

5.3.38 OUTSIDE COMMITMENTS AND BUSINESS INTERESTS

5.3.39 To avoid confusion about conflicts of interest between the council's activities and other gainful employment by employees, the following standards apply:

- a an employee must not put themselves in a position where their personal or private interests conflict with their employment by the council. The council will not prevent an employee from undertaking additional employment but it must not, in the view of the council, conflict with the council's interests or in any way weaken public confidence in the council. All employees on grade HC7 or above are required to obtain consent in writing from their Director in advance, on each occasion, if they wish to engage in any other business, or take up any other additional work. Similarly, Directors will require the prior consent of the Chief Executive should they wish to engage in such activity.
- b it is essential that there is no confusion or conflict of interest between an employee's private concerns and those of the council. The following standards aim to ensure clarity in the procurement of goods, materials or services for private use:

- c when procuring goods, materials or services for private use, either for themselves or for anyone else, the employee must ensure that the supplier is clear that it is a personal transaction and entirely separate from any business the supplier has, or hopes to have, with the council.
- d in no circumstances whatsoever may goods or materials for private use be delivered to council premises or sites, nor may non-work services be carried out during working hours, or on council premises or sites.
- e all paperwork, invoices, accounts and other correspondence relating to private matters must be sent to the employee's home address. The employee must make it clear to members of the public and suppliers that sending private invoices, accounts or correspondence etc. to council addresses etc. is expressly prohibited. This same principle applies to the private use of the council's mailing system.
- f similarly it is essential that there is no confusion or conflict of interest regarding the use of Council vehicles and equipment, including vehicles and equipment contracted to the council, so the following standards apply:
 - i Council vehicles and equipment must not be used privately and therefore when not in official use must be kept at Council depots or offices.
 - ii however, the use of vehicles or equipment by employees may be allowed where it has been decided by the appropriate Manager that the needs of a service required it.
- g to prevent any issue arising, there is a prohibition on loaning or hiring out of Council-owned equipment other than in the following circumstances:-
 - i where equipment is hired along with the use of Council accommodation (such as the Council chamber or committee rooms),
 - ii where plant is loaned to the council's sub-contractors for use on Council business,
 - iii in the case of schemes such as the salary sacrifice cycle scheme,
 - iv or exceptionally where equipment is loaned. Such a loan must be subject to prior approval from their Director and the voluntary organisation's insurance cover being deemed adequate by the Council
 - v the short term hire on terms identical to those applicable to members of the public of educational, sporting or recreational equipment through the Council's schools, libraries or leisure facilities

5.3.40 PERSONAL INTERESTS

- 5.3.41 Employees must declare to their Director any financial or non-financial interest that could bring them into conflict with the Council's interest. This could include involvement with an Organisation receiving Grant Aid from the Council,

Membership of an NHS Trust Board, involvement with an Organisation or Pressure Group which may seek to influence their Authority's policies. Membership of a Trade Union is exempted from this requirement. A separate Code on the Disclosure of Financial Interest is attached as Annex 1.

- 5.3.42 An employee must declare to their Director membership of any organisation which is not open to the public without formal membership with a commitment of allegiance and with secrecy about rules or membership conduct.
- 5.3.43 Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Council services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to their Line Manager or Head of Service.
- 5.3.44 EQUALITY**
- 5.3.45 Employees must ensure that they comply with the Council's equality policies and procedures in addition to the requirements of the law. All members of the local community, customers, and other employees have a right to be treated with fairness and equity.
- 5.3.46 If there is any doubt as to what is required the relevant Director must be consulted.
- 5.3.47 PROCUREMENT**
- 5.3.48 Every employee involved in procurement and dealing with contractors must be clear on the separation of client and contractor roles within the council. Senior employees who have both a client and a contractor responsibility must be aware of the need for accountability and openness.
- 5.3.49 Employees in contractor or client units must demonstrate fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 5.3.50 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information for any unauthorised purpose.
- 5.3.51 Employees must ensure that no special favour is shown to current or recent former employees, or their partners, close relatives or associates in awarding contracts to businesses run by them, or employing them in a senior or managerial capacity.
- 5.3.52 An employee contemplating a management buy-out of an organisation in a procurement relationship with the Council must, as soon as they have formed a definite intent, inform the Monitoring Officer and withdraw from the procurement process.

5.3.53 CORRUPTION

5.3.54 It is a serious criminal offence for an employee to corruptly give or receive any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or detriment to any person in their official capacity. If such an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

5.3.55 USE OF PUBLIC FUNDS

5.3.56 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the council.

5.3.57 If an employee is concerned about whether particular funds are being properly applied, he or she must raise the matter with their Director in the first instance.

5.3.58 HOSPITALITY

5.3.59 Employees must treat with extreme caution any offer, gift, favour or hospitality made to them. If there is a genuine need as a legitimate part of an employee's job to accept offers of hospitality this may be allowed. The decision whether to accept is one of common sense, however, any employee who is in doubt about the legitimacy of any offer of hospitality must ask his/her Director for advice.

5.3.60 When considering whether or not to accept hospitality employees must be sensitive to the timing of decisions for letting contracts for which the provider may be bidding and must never accept hospitality from a contractor during, or just prior to, a tendering period.

5.3.61 Acceptance by employees of hospitality at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal.

5.3.62 Employees must make a declaration of a gift if they are made a beneficiary of a will as a result of their employment.

5.3.63 Any offer, gift, favour or hospitality as described in the above paragraphs should only be accepted where the employee is satisfied that any purchasing, planning or other Council decisions are not compromised. Employees should not place themselves in a position where their own integrity and the integrity of the Council may be called into question.

5.3.64 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

5.3.65 Employees must not accept significant personal gifts from contractors and outside suppliers. Insignificant tokens such as pens or diaries may be accepted.

5.3.66 When an employee accepts any gift, favour or hospitality made to them personally or on behalf of the Council they should complete the relevant form. Once signed by the Director it should be sent to the Monitoring Officer who maintains a register that is open to inspection by the Council's Internal Audit who

may present such information to the appropriate Committees of the Council. If an employee believes that an improper motive exists concerning a gift or hospitality, the employee should report this immediately to the Director, who will in conjunction with the Chief Executive, decide an appropriate action e.g. withdrawal of business and/or referral to the police. The Director of Resources and Monitoring Officer must be informed.

5.3.67 An employee may only make offers of hospitality where the arrangements can be justified as being in the interests of the Council. Consideration must be given to the nature and scale of the hospitality and the circumstances in which it is being offered. All offers of hospitality must be agreed in advance by the relevant Director and recorded on the declaration of gifts and hospitality form. Any decision to offer hospitality must have regard to the council's financial position and appropriate use of public funds.

5.3.68 SPONSORSHIP

5.3.69 Where an outside organisation wishes to sponsor a council activity whether by invitation, tender, negotiation or voluntarily, the standards concerning acceptance of gifts and hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

5.3.70 If the council wishes to sponsor an event or service neither the employee concerned, nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the relevant Director or Chief Executive of any such interest. Similarly where the council through sponsorship, grant aid, financial or other measures gives support in the community, the employee must ensure that impartial advice is given and there is no conflict of interest.

5.3.71 TRAVEL AND SUBSISTENCE

5.3.72 Employees must put in claims for travelling and subsistence only incurred in carrying out their duties on behalf of the Council.

5.3.73 The Council will not pay any claim for alcohol on any occasion.

5.3.74 Further information is contained in the 'Travelling and Subsistence Policy and Procedure'.

5.3.75 WELLBEING AND SAFETY

5.3.76 Every employee is responsible for taking reasonable care for their own health and safety, that of their colleagues, service users and any other third parties. They must also conduct themselves in a manner which maintains public confidence in their integrity and the services provided by the council.

5.3.77 An employee must not be under the influence of alcohol at any time while at work, on-call or standby, and whilst being paid to do so. Employees are not allowed to drink alcohol during working hours, including meal breaks and whilst on standby other than at special events authorised in advance by the appropriate

Director or Chief Executive. Permission must be sought from the appropriate Director by an employee who is representing the Council, while entertaining clients with social drinking, whether this is during or outside of normal working hours.

5.3.78 NOTES

5.3.79 This Code of Conduct supersedes neither the Council's disciplinary and grievance procedures, nor the provisions of the Local Government Conditions of Service, as supplemented and amended by decisions of Herefordshire Council.

5.3.80 Copies of the policies and procedures referred to in this document are available from the intranet, your manager, or the human resources (HR) team.

5.3.81 If you need further assistance with this document please refer to your manager or Human Resources Officer.

5.3.82 COMPLIANCE

5.3.83 Failure to follow this procedure may impact on good employee relations and the reputation of the council as a good employer. In addition, it may result in the council breaching employment legislation and incurring financial penalties.

5.3.84 Managers who fail to manage in accordance with this policy will be investigated and this may lead to formal action under the Managing Performance or Disciplinary Policy and Procedure.

5.3.85 IMPACT ON THE COUNCIL'S KEY PRIORITIES

5.3.86 The policy provides clear statements about manager and employee responsibilities to ensure that the conduct of all Council employees is of a high standard. This underpins service provision and enables the Council to effectively meet its key priorities.

5.3.87 TRAINING AND AWARENESS REQUIREMENTS

5.3.88 Managers and employees will be informed about this policy and procedure via communication channels such as team talk and first press.

5.3.89 HR Officers will liaise with directorate management teams to establish and agree support arrangements to assist managers to carry out their responsibilities in paragraph 5.12.4.1.

5.3.90 MONITORING

5.3.91 The Joint Management Team is responsible for ensuring the implementation and review of this policy and procedure.

5.3.92 The Head of Workforce and Organisational Development will be notified of any cases where it is concluded that the policy was breached. The notification will indicate whether there are any changes or improvements required to the policies,

procedure, training, support or any other aspect of the council's approach to dignity at work matters.

- 5.3.93 HR will monitor the effectiveness of the policy through information received via feedback from managers and employees through, for example, management team meetings and the Employee Opinion Survey and exit interviews, as well as the numbers of employees using this procedure.

ANNEX 1 - DISCLOSURE OF FINANCIAL INTEREST

1. The Employee Code of Conduct requires employees to declare all private and business relationships with contractors to their Director as well as financial or non-financial interests that they consider could bring about conflict with the Council's interests.
2. Section 117 of the Local Government Act 1972 also requires employees to notify the Council in writing if they have a direct or indirect financial interest in any contract with the Council or under consideration by the Council. As with Councillors, the financial interests of a person with whom an employee is living will also count for these purposes.
3. This document gives additional guidance about the declaration of pecuniary interests. The interest relates to any contract that has been or is proposed to be entered into by the Council or any Committee.
4. All employees must notify their Director and the Monitoring Officer in writing that they have a pecuniary interest in such a contract, and abstain from any consideration or discussion of the contract. The Monitoring Officer is required to keep a register of these matters which is available for inspection by any member of the Council.
5. This interest can either be direct (i.e. he/she is a party to the contract) or indirect. The latter is defined as including being a partner of or employed by a person with whom the contract made or is proposed to be made or has a pecuniary interest. In the case of persons living together the interest of one shall be deemed to be also an interest of the other.
6. The failure to disclose a pecuniary interest and, where necessary, to abstain from taking part in the Council's consideration of a matter in which an employee has such an interest is likely to constitute maladministration as well as being a criminal offence.

An interest will not cease to be pecuniary because the Council's decision is not to the financial advantage of the employee. "Pecuniary" can mean loss as well as gain. If the Council's decision can have any financial effect at all upon the employee then the interest should be declared, unless it arises simply in the employee's capacity as a council tax payer or as a general consumer of the Council's services.

EMPLOYEE CODE OF CONDUCT

Members of the public are entitled to expect the highest standards of conduct from everyone who works for the council. The Employee Code of Conduct (the “code”) sets out some examples of the standards of behaviour the council expects of its employees. It applies to all employees of the council, irrespective of grade or role.

If you supervise/line manage other employees you should make sure they know about and understand the code. If you supervise people who are not employees of the council (for example volunteers, contractors, consultants, or temporary agency workers) you should make them aware of the code, and make it clear that they are under a duty to follow the code when working for the council.

If the people you supervise behave in ways that are inconsistent with the code, you should take action. You may want to ask your supervisor for guidance, or consider using another policy (for example the managing performance policy and procedures) to guide your response.

If you are unsure about any part of code you should get clarification from your line manager or from the human resources service.

Part One – standards of conduct

In performing their duties, council employees should act with integrity, honesty, impartiality and objectivity, and uphold the values that underpin the council’s work:

People: treating people fairly, with compassion, respect and dignity

Excellence: striving for excellence, and the appropriate quality of service, care and life in Herefordshire

Openness: being open, transparent and accountable

Partnership: working in partnership, and with all our diverse communities

Listening: actively listening to, understanding and taking into account people’s views and needs

Environment: protecting and promoting our outstanding natural environment and heritage for the benefit of all..

1. Selflessness

a) You should take reasonable action to keep yourself and others safe.

- i. You should adhere to the council’s health, safety, wellbeing and equality policies. If you are not sure what those policies are, you should speak to your line manager.

b) You owe a duty of loyalty to the council.

- i. If you do something which a reasonable person would consider to be disloyal to the council, it may amount to a breach of the code, even if that action isn’t specifically referenced in the code.
- ii. You may have legitimate roles to carry out, such as being a trade union representative. If you are engaged in such a role you should make it clear when you are acting in this capacity rather than as an employee of the council. In this

capacity you should exercise great care to avoid personal opinions or make derogatory or slanderous remarks, which may be damaging to the council.

c) You should not behave in a way which is incompatible with your role.

- i. It is not appropriate for you to use your official position, or information you gain from work which is not available to other members of the public to the detriment of the council, or its policies.
- ii. You should not behave, either in work or outside of work, in a way which is incompatible with your role at the council.
- iii. You should advise your line manager of anything, or any change of circumstances which prevents you from legally carrying out some or all of the duties of your post (for example, if you are banned from driving and this is part of your role, or if you cease to be a member of a professional body, where membership of that body is required in order for you to carry out your role).

d) You should report wrong-doing and any genuine and reasonable suspicion of wrong-doing as set out in the code.

- i. The code sets out the requirements to report suspicions or knowledge of wrong-doing, and explains how to report such suspicions or knowledge of wrong-doing.
- ii. Further guidance is available in the council's [Confidential Reporting Code](#) (whistleblowing policy) and [Anti-Fraud, Bribery and Corruption Policy](#).

e) You should use council resources wisely ensuring that value for money is demonstrated.

- i. Securing value for money is a corporate priority for the council, and it is expected that employees will meet this priority while carrying out their duties. Before spending the council's money or deploying resources in the council's control, you should ask yourself:
 - Would I spend this money if it were my own?
 - Is what is proposed affordable?
 - Would this be spending money wisely?
 - Am I authorised to spend this money?
- ii. If you are involved in contracts or purchasing or have any budget management responsibility, you should ensure that you are familiar with, and comply with, the relevant rules. These may include:
 - [Financial Procedure Rules](#)
 - [Contracts Procedure Rules](#)

2. Integrity

a) You should not use council facilities or resources to access or distribute inappropriate or offensive material

- i. This includes using council computers to access pornography, or other offensive websites or political material. Material relating to private or personal interests should not be accessed during work time and in any event must be in accordance with the council's [Handling Information Personal Responsibilities](#) policy and email usage policy.

b) You should, in carrying out your duties, ensure you comply with any legal requirements.

This requirement is relatively self-explanatory and, given the wide range of duties which council staff carry out, it isn't possible to set out here what legal requirements you might face.

- i. Generally if a piece of legislation is particularly relevant to your area of work that will be reflected in policies and procedures, or your manager will make a point of explaining the requirements to you.

- ii. You will not be disciplined for refusing to do something which is a criminal offence.
- c) You should ensure that public funds and assets, including information entrusted to you, are only used in a responsible and lawful manner.**
- i. You should not use property, vehicles or other facilities of the council for personal use unless properly authorised to do so by your line manager or other appropriately authorised person.
 - ii. You should ensure that you use public resources (including, but not limited to, funds, data and equipment) entrusted to you in a responsible and lawful manner in line with information governance policies.
- d) You should not use property, vehicles or other facilities of the council for personal use unless properly authorised to do so by your line manager or other appropriately authorised person.**
- i. You should not make personal use of the council's facilities, unless you do so as a member of the public, or if there is a scheme or policy in place which permits personal use. Personal use includes using the facilities on behalf of any person, business or organisation other than the council, except as a legitimate part of your role with the council. For example:
 - If you work in a building where the public can use the photocopier for a charge and you pay the same fees as other members of the public, you can use the photocopier for personal use.
 - If there is a scheme in place which allows you to pay for reasonable personal phone calls on a device provided by the council, then you can make reasonable personal phone calls (as long as you comply with the payment scheme).
 - ii. A permit or policy that allows you to use council facilities when carrying out your duties, such as a car park pass, should not be used for personal use.
- e) Professional relationships with children, young people or vulnerable adults who are service users should not develop into personal friendships and/or inappropriate relationships.**
- i. If you work in a post which has close contact with children and young people or vulnerable adults (or access to key information about them) you should declare any personal relationships with those who access services provided by the council.
 - ii. Posts with close contact with children, young people or vulnerable adults, or which involve regulated activities as defined in the Protection of Freedoms Act 2012, need an enhanced check under the Disclosure and Barring Scheme. If you work in such a job you should not form relationships with service users which involve:
 - financial affairs (this includes, but is not limited to, borrowing or lending money, or acting as an executor);
 - unprofessional emotional or physical interaction; and/or
 - any element of sexual interaction.
- f) You should not use materials in breach of copyright.**
- i. Anything you create at work, or as part of your job, belongs to the council. This includes, but is not limited to, intellectual property, documents, photos, reports, and computer programs.
 - ii. You should not do anything that infringes the council's copyright. In particular, the council holds copyright on its logo and other elements of the corporate identity. You should take care not to infringe copyright by using the crest, logo and/or corporate identity for unauthorised purposes.
 - iii. You should not contravene any other persons or organisations intellectual property including their trademarks, copyrights, design rights or patents.

3. Objectivity

a) You should follow the policies, procedures and rules of the council.

- i. Policy in this sense is a statement of what the council believes in, or has resolved to do.
- ii. Policy is made at different levels in the council and is explained more in the [guide to how the council works](#)
- iii. Policies are “expressed” when there is a formal resolution (decision) supporting them, or when they are published, for example in the council corporate plan.

b) You should not give political advice unless your job is as a political assistant.

- i. You should not be asked by any political group to provide political advice either in regard to the work of the group or of the council.
- ii. You should seek permission from your director before attending any political group meeting, or any meeting which is explicitly for members of one or more political parties, as an employee of the council. Even if you get permission to attend, you cannot give political advice.
- iii. This rule does not apply to officers appointed to posts which specifically provide political advice.

c) You should not allow your own personal and/or political opinions and/or interests to interfere with your work.

- i. You should follow reasonable instructions from your managers. If you are being asked to do something which does not breach any council policy and which is not illegal, then you should carry out those instructions, even if you do not personally agree with them.
- ii. You should serve the council as a whole without political bias. Your duty is to serve the council as a whole. You should serve all of the council’s councillors, not just those of the controlling group. You should ensure that the individual rights of all councillors are respected. You should act at all times in accordance with the [member and officer relations code](#) in the council’s constitution.

4. Accountability

a) You are accountable to the council for your actions and decisions.

- i. Working for a council is a form of public service, and you may be asked to explain your behaviour at work, and any decisions or recommendations you make as part of your duties.

b) You should discharge your public functions reasonably.

- i. If you do something on behalf of the council, or make decisions on behalf of the council you should act reasonably in all the circumstances. Your decisions should be within the range of decisions that a reasonable person in your position would make and should comply with the [principles of good decision making](#) and the council’s [code of corporate governance](#).
- ii. One of the main themes in this code is the need to avoid the perception that employees are making decisions for the wrong reasons.

c) You should cooperate fully with any council investigations.

- i. You have a duty to assist the council in implementing its policies, including its policies for managing people. You should cooperate with reasonable instructions (including requests for information) issued as part of formal investigations.
- ii. Formal investigations include (but are not limited to):
 - investigations conducted under the council’s Human Resources policies;
 - investigations conducted under the council’s [Anti-Fraud, Bribery and Corruption policy](#), or [Whistleblowing policy](#);

- investigations undertaken by the council's statutory officers, internal or external auditors, ombudsmen or other inspection agency.
 - iii. Nothing in this section should be taken as overriding the rules in those policies about rights or representation. This section does not grant additional powers to people conducting investigations under other policies.
- d) You should follow the guidance for contact with the media when speaking in the capacity of a trade union representative, in a personal capacity and/or in your capacity for other organisations.**
- i. If there is an industrial dispute involving a trade union, an elected representative of that trade union may be called upon by the press or media to comment on the dispute.
 - ii. Where a decision is taken by that trade union organisation to respond, the employee who does so should exercise great care in presenting the facts of the case in order to avoid personal opinions which may be unreasonably critical of the council, other employees or members.
 - iii. If you find yourself speaking to the media under these circumstances you should make clear that you are speaking for the trade union and not as a representative of the council.
 - iv. If you are unsure about your position as a trade union representative who has been nominated to speak to the media you should consult with full-time officials from your union.
 - v. You may well have legitimate roles to carry out outside of your work or official trade union work, for example as a representative of a community action group or a tenant committee. These roles may involve you in taking part in public meetings, making statements to the press etc. acting on behalf of your particular group.
 - vi. You should make clear the capacity in which you are speaking in public, or dealing with the media. You should explicitly say which group you are speaking for or that you are speaking in a "personal capacity", which means that you are not representing a group, the council or a trade union.
 - vii. You should exercise great care in presenting the facts of any case in order to avoid personal opinions which may be damaging to the council or derogatory or defamatory remarks about other employees or members. Your duty of loyalty to the council still applies, even in these circumstances.
 - viii. To avoid any misunderstanding you should not speak to the media in a personal capacity whilst wearing council uniform or a council ID badge.

5. Openness

- a) You should use and share information appropriately, having regard to your data protection obligations, the council's values, and the council's code of corporate governance.**
- i. The law requires that certain types of information should be made available to councillors, auditors, government departments, service users and the public. The council itself may decide to be open about other types of information.
 - ii. However, certain information should not be widely shared. You should be aware of which information you are authorised to release and to whom. If you have any doubts as to whether or not an item of information should be released, you should politely refuse to offer the information and refer the matter to your manager.
 - iii. Nothing in this code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

- iv. You should follow the council's [Access to Information Rules](#) and Information Governance policies and procedures.
- v. You should complete any relevant mandatory training.

b) You should treat information with the appropriate level of confidentiality.

- i. Of particular note is information from councillors: If a councillor gives you information, or tells you something, which is not in the documents that the public would have access to, then you should not share that any further unless the councillor gives permission, or the law requires or allows you to share the information.

c) You should not engage in, or otherwise be involved in any insider dealing.

- i. You should not use any information obtained in the course of your employment (which has not been released to the public) for personal gain or benefit. You should also not pass on such information to other people for their personal gain.
- ii. If you are in any doubt about who can be told information you should ask a senior employee in your department or Internal Audit.
- iii. Details of how to contact Internal Audit are set out in part 2 of this code. If you ask Internal Audit for advice, then the information should not be disclosed unless they have agreed that it is safe to do so.

6. Honesty

a) You should not misuse your official position or information acquired in the course of your employment to further your private interest or the interests of others.

- i. It is not appropriate for you to use your official position, or information you gain from work which is not available to other members of the public for personal gain or to further your personal interests of those of others.

b) You should not engage in, or otherwise be involved in any bribery or corrupt activities or practices.

- i. Under the Bribery Act 2010, it is a criminal offence to:
 - offer a bribe to someone in the course of your duties
 - solicit a bribe from someone (indicating that you are open to being bribed)
 - accept a bribe from someone

If you commit any of these offences during the course of your employment it may amount to gross misconduct which may result in your dismissal without notice or pay in lieu of notice.

- ii. For the purposes of deciding whether something is a bribe, it does not matter whether any abuse of power actually takes place. Bribery can apply even where the person with entrusted power works for another organisation (whether or not it is a council).
- iii. There is more detail in the council's [Anti-fraud, Bribery and Corruption Policy](#). You should ensure that you have read and understood this.

c) You should avoid any reasonable suspicion of bribery and/or corruption and/or any reasonable perception of bribery and/or corruption

- i. In order to maintain public confidence, you should avoid situations where a reasonable person, who in receipt of the relevant facts, would reasonably think your personal interests are so significant that they are likely to prejudice your public interest /judgment.
- ii. A conflict of interests arises where doing what is best for the council in your role, is not the same as doing what is best for you, or for some person or organisation you are associated with.

- iii. You should comply with the council's requirements, set out in [appendix 1](#) relating to:
 - Employee gifts and hospitality
 - Employee outside interests
- iv. Employees may be required to make an annual return in regard to their interests, in addition to the need to declare any gifts and hospitality or interests as they arise.
- v. You should not make decisions, or give recommendations to decision makers where you have a conflict of interests. "Decisions" includes, but are not limited to, delegated decisions, employment decisions, and decisions about awarding contracts, allocating services, spending or receiving money.
- vi. You would be acting corruptly if you were to abuse your entrusted power for private gain:
 - "Abuse" is when you use your entrusted power wrongly. You would be using your entrusted power wrongly if you act in the best interests of someone (or something) other than the council.
 - "Entrusted power" is the power or authority you have as an employee.
 - "Private gain" can mean not only financial gain, such as money, but also nonfinancial advantages, such as favours, gifts, or permission to do something someone would not otherwise be allowed to do. Something can be "private gain" whether you gain directly, or some other person or organisation gains.
- vii. Remember that if you suspect that other people are acting corruptly you have a duty to report it. There is more on this duty in the section on "breaches of this code".

d) You should not create a false impression that you are authorised to speak for the council if you do not have the authorisation to do so.

- i. You should not conduct yourself in a way that would give the impression that you are speaking for the council or in the role of a council employee unless you have been authorised to do so.
- ii. You should not instruct contractors or suppliers, or enter into commitments on behalf of the council unless you are authorised to do so and have the appropriate governance in place to support your actions.

e) You should declare any relevant outside interests and comply with any requirements necessary to resolve any conflict of interests in a way that protects the public interest

- i. You should follow the rules set out in appendix 1 regarding:
 - Employee gifts and hospitality – you should obtain the permission of your director before accepting an offer of hospitality or a gift.
 - Employee other interests – you should declare: your membership of organisations the council needs to know about; associations with other businesses; beneficial interests in land and property; certain personal relationships; and financial interests in council contracts and sponsorship.
 - Politically restricted posts – you should not stand for office or hold certain political positions if you are in a politically restricted post.

7. Leadership

a) You should deal with the public, councillors and other employees fairly with compassion, respect and dignity.

- i. You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community and as defined by the policies of the council.

- ii. The overall control of the council lies with councillors. Your role is to carry out the work of the council, but you receive your day-to-day instruction from other employees of the council, not from councillors.
- iii. Even so, it is essential to the way local government works that employees and councillors respect each other. You should make sure you are aware of any guidance or protocols in the constitution about relationships with councillors, and that you follow those rules.
- iv. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and to other councillors; such familiarity should therefore be avoided.
- v. You should not form close friendships and personal relationships with councillors. If you have a pre-existing relationship with someone who becomes a councillor, or if you develop a relationship with someone who you later discover to be a councillor, then you should report this, as set out in the council's procedure on employee interests.
- vi. If you are in a politically restricted post you should comply with the council's policy on politically restricted posts.
- vii. If you comply with the other requirements in this code you will behave appropriately towards colleagues.
- viii. The council is an equal opportunities employer. The council is committed to:
 - eliminating unlawful discrimination, harassment and victimisation;
 - advancing equality of opportunity; and
 - fostering good relations within and between our communities with a view to building good community relations
- ix. You should not unlawfully discriminate on the basis of race, disability, sex, sexual orientation, age, religion or belief, pregnancy, maternity and gender reassignment.
- x. You should ensure that your behaviour and language does not harass or create an unpleasant environment for people on the basis of race, disability, sex, sexual orientation, age, religion or belief, a pregnancy-related reason, and/or gender reassignment.
- xi. You should not victimise staff for any reason connected with race, disability, gender, sex, sexual orientation, age, religion or belief, a pregnancy-related reason, and/or gender reassignment.
- xii. All members of the local community, customers, councillors and other employees have a right to be treated with fairness and equity.
- xiii. You should comply with any current equality policies and undertake any mandatory training the council may require.

b) You should maintain standards of dress and appearance which are appropriate to your role.

- i. You should ensure that your standards of dress and your appearance are appropriate to the work that you do. An inappropriate appearance could give the impression of inefficiency, create offence or be seen as disrespectful.
- ii. Herefordshire Council values the diversity of its employees and nothing in this section should be read as limiting the diversity of influences which affect your choices about how you present yourself.
- iii. You are expected to wear (as instructed) any safety equipment (personal protective equipment) or uniform that is issued to you.
- iv. If you have any concerns about this, you should discuss them in the first instance with your line manager. The Human Resources service may also issue guidance from a health and safety perspective on uniform and personal protective equipment.

c) You should behave appropriately when involved in tendering contracts and dealing with contractors.

- i. If you are involved in the tendering process, or dealing with contractors, you should be clear on the separation of client and contractor roles within the council. You should ensure that their actions are in accordance with the requirements contained in properly authorised contracts.
- ii. If you have both a client responsibility and a contractor responsibility, you should be particularly aware of the need for accountability and openness.
- iii. Remember that you have to declare interests in contracts and personal relationships with contractors as set out in the council's procedures on employees outside interests.
- iv. If you are aware of confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any third party or organisation. If you are involved in awarding contracts, you should ensure that no special favour is shown in awarding contracts to businesses run by current (or former) employees (or by people they have close personal relationships with). You should also ensure no special favour is shown to current (or former) employees (or by people they have close personal relationships with) by employing them.

d) You should only deal with the media if you are authorised to do so.

- i. Unless specifically nominated and authorised by the director concerned, you are not permitted to give reports or speak to the press and media on matters relating to employment with the council, council business or decisions of the council. This restriction applies under any circumstances where people could possibly think you are speaking as an employee of the council.
- ii. "Dealing" with the media includes giving reports, answering questions or simply speaking to members of the media. "The media" means any organisation or person who is concerned with reporting news, current affairs etc. regardless of whether that is through newspapers, television, radio, the internet or any other means. "Dealing with the media" also includes making speeches, or speaking at public meetings which may be reported by the media.
- iii. People who regularly deal with the media should be in politically restricted posts. Other employees may, in exceptional circumstances, be authorised by their director to speak to the media on a specific occasion.
- iv. The following people are deemed – if in politically restricted posts – to be authorised to deal with the media:
 - The Chief Executive
 - People who report directly to the Chief Executive
 - People who report directly to the people who report directly to the Chief Executive
 - People whose posts are within the corporate communications team
- v. People in other posts should be explicitly authorised by their director before speaking to the media. Details of which posts are politically restricted are set out in the council's policy on politically restricted posts.

e) You should ensure any dealings with the media in an official capacity are appropriate and comply with the [corporate communications protocols](#).

- i. If you are permitted to deal with the media you should make sure that you do not express any opinions, or take any position which is not consistent with the council's position, or which people might think is critical of the council's position. It is important to remember your duty of loyalty to the council.
- ii. You are a representative of the council, and your behaviour and comments may reflect on and impact the council. It is important that you do not undermine the position of the council.

A note about the internet, social networking sites etc.

Whenever there are restrictions on what you can communicate to people, or how you should communicate with them, it does not matter whether you are communicating face to face, by telephone, email, through social networking sites, or any of the other means. The rules apply to all ways of communicating. Inappropriate comments made on social networking sites (whether you have enabled privacy settings or otherwise) about your employment with the council, the council at large or any employees or former employees of the council could amount to a breach of this code. As a result of this, you may face disciplinary action, which could ultimately result in your dismissal with or without notice or payment in lieu of notice.

If you do not follow this code

If you fail to follow the code you may be referred into formal policies and procedures, including the [Procedure Where Performance, Conduct or Behaviour Falls Below Expected Standards](#) and the [Disciplinary Procedure](#). Depending on the circumstances, including the seriousness of any breach of the code, a potential outcome of disciplinary action could result in your dismissal with or without notice.

You should treat this code seriously, and make sure you understand it. If you do not understand any aspect of the code or the council's requirements with regards to the conduct of employees then you should speak to your line manager.

Part Two – Reporting wrong-doing

You have a duty to report suspicions or knowledge of wrong-doing you become aware of, for example:

- activities which you believe to be illegal, improper, unethical or otherwise inconsistent with the code.
- anything which involves – or you think involves – irregularities concerning cash, stores, IT use, or other property of the council.
- any suspected irregularity in the exercise of the functions of the council, including unofficial funds.
- council employees or any other individuals being involved in potentially fraudulent or corrupt activities, or theft.

You should normally report matters to your manager, giving them enough detail to understand your concerns and to follow them up. You should not report suspicions of misconduct to anyone who you believe is (or is likely to be) involved in the alleged misconduct.

If you want or need to report something, but have a good reason not to report the matter to your line manager, you should tell one of the following people:

- A director (either your own director, or the one for the area where the breach may have occurred).
- The monitoring officer or the section 151 officer
- The Head of Internal Audit. ([contact details to be inserted](#))

The council's [Whistle-Blowing Policy and Procedure](#) contains more information on the protections offered to staff reporting legitimate concerns under the Public Interest Disclosure Act 1988.

If, following an investigation no wrong-doing is found to have occurred, any innocently motivated “whistleblower” will not be subject to any disciplinary action.

However, you should also note that if a report of alleged wrong-doing is found, during the course of investigation, to have been vexatious or improperly motivated, then disciplinary action may be taken against the “whistleblower” which may result in dismissal, with or without notice.

Updating this policy

The Human Resources service will monitor this policy and update it as required. The trade unions will raise any pertinent issues through established meetings with the HR service if they feel that a review is due or required.

The Head of Human Resources and Organisational Development may amend any contact details, team names and job titles, policy links or technical changes required by law as are necessary without further consultation. If amendments are made, the trade unions will be advised via the Joint Consultative Committee at the earliest opportunity and an updated version of the policy will be made available through the intranet and on the council website.

Appendix 1 Employee Code of Conduct supporting policies

Employee interests policy.

This policy sets out the rules for dealing with employees' interests. It applies to all employees of the council, irrespective of grade or role. If you supervise workers who are not employees (for example contractors, consultants or temporary agency workers) you should make them aware of this policy and make clear their duty to follow it.

If you supervise/line manage other employees you should make sure they know about and understand the policy. If the people you supervise fail to comply with the policy, you should take action. You may want to ask your supervisor or human resources service for guidance, or consider using another policy or procedure to guide your response, for example the resourcing and managing performance policy or the procedure where performance, conduct or behaviour falls below expected standards.

If you do not follow this policy then it may be deemed that you have failed a reasonable management instruction and/or you may be referred into formal procedures, including the disciplinary procedure. Depending on all the circumstances of the case, a potential outcome of disciplinary action is dismissal. You should treat this policy seriously, and make sure you understand it.

If you are unsure about any part of this policy you should get clarification from your line manager or from the Human Resources service.

Scope

This policy is designed not just to prevent you from being inappropriately influenced, but also to reassure the public that we are monitoring any potential influence and addressing any risks.

These rules apply to all employees, as public confidence could be affected at any level of the organisation.

This policy is not about prying into the private lives of our employees; it is about protecting public confidence in our services and people, and making sure that employees are not making decisions based on influences from outside of work, or their associations outside work.

Definitions

Outside interests

Outside interests means any interest, or connection, that is not a necessary part of your role at the council.

You have to seek permission, in writing from your director¹ to:

- take other paid employment (this includes both long-term jobs, self-employment, and one-off work such as writing articles or speaking at conferences)

¹ Or in the case of a director, the chief executive, or in the case of the chief executive, the Employment Panel.

- be a trustee or board member (whether paid or not) of a charity or company which receives financial support from, or provides services to or on behalf of the council

You should seek permission for an outside interest from your director. If you are given permission for the interest, you will also need to declare it.

If you already have other paid employment or are a trustee or board member (as described above) then you should declare it each time you complete the annual declaration of interests.

Conflict of interest

A conflict of interest is a situation where a reasonable person might think that someone in the same role as you, with the same outside interests as you, could be influenced in the decisions or recommendations they make as part of their work for the council.

A good rule of thumb is to ask, “Is this something that might make a reasonable person question the fairness or impartiality of someone in my role?”

Confidentiality

You may have to declare personal information.

Although it will be necessary for an employee’s immediate manager and director to have access to your declaration to ensure robust governance, care should be taken to ensure that information contained in declarations is not shared more widely or more explicitly than necessary.

Some declared interests may be published. The limited circumstances in which this can happen are explained in detail in this policy.

Overview of policy relating to interests

The process for declaring interests is as follows:

- Declaration of interests
- Assessment of declared interests to establish any potential perception of conflicts of interest
- Remedial action to mitigate or remove any potential perception of conflicts of interest
- Publication of interests in the few circumstances set out in this policy
- Ongoing monitoring for potential conflicts of interest

Declaring interests

There are a number of types of interests which you should declare about yourself:

a) Your own membership of organisations

Which organisations the council needs to know about

You should declare if you are a member (whether or not you think there may be a conflict of interest) of any organisation which has one or more of the following characteristics:

- is a governing body of an educational establishment within Herefordshire

- it requires members to make promises of mutual aid and support (even if you consider those promises to be merely ceremonial). This category does not apply if members promise aid and support equally to members and non-members.
- is not open to the public without formal membership with a commitment of allegiance and with secrecy about rules or membership conduct.
- has been designated a proscribed terrorist group or organisation by the government (a list is maintained by the Home Office)

Any body which you are in a position of general control or management. This does not include general management or subscription or were the member is appointed or nominated by the council).

- any body exercising functions of a public nature
- any body directed to charitable purposes
- any body whose principle purposes includes the influence of public opinion or policy including any political party
- any body which is not open to the public without formal membership

You should also declare if you are a member of any organisation which:

- has dealings with the council.

What is meant by organisation

“Organisations”, in this context, include clubs, associations, societies, voluntary organisations, religious bodies and sects, political and quasi-political organisations. (This list is not exhaustive, which means that something which is not mentioned may still be considered to be an “organisation”.)

What is meant by an organisation having “dealings” with the council

“Dealings” includes:

- doing work for the council or providing work to the council
- giving or receiving grants or sponsorship
- any arrangements which involve sharing or exchanging staff
- any formal collaboration or contracts with the council
- any investment into the organisation from the council, or investment from the organisation into the council

What details you need to declare

You should tell us the name(s) of the organisation(s) of which you are a member of, the role you hold and why you are declaring your membership, for example, “It is a governing body of an educational establishment,”

If you are declaring membership because of a potential perception of a conflict of interest, you should tell us what the potential conflict is: for example, “There may be a conflict of interest because they are bidding for council land at Council Estate, Kington and I sometimes evaluate land bids.”

Implications of a declaration

The list of “dealings” provides guidance as to the sorts of activities which will require particular checking by your Director (or their nominee), or which should be handled by other staff, when the organisation in question (or its competitors) is involved.

There is not a blanket ban on all staff being a member of the groups outlined above

b) Your associations with other businesses (including employment outside the council)

What is meant by “associations with other businesses”

You should declare any of the following whether paid or unpaid:

- Any employment outside the council
- Any consultancy work
- If you are a Director of a business, whether it is paid or unpaid
- If you are a partner in a business
- If you hold shares in a business (other than banks and building societies. See below for details)
- If engaged on a retainer basis by a business

You should include the:

- Name and address and nature of additional business, or other employment
- Name and address of the company, firm or other body or individual of whom consultancy is undertaken and nature of consultancy with an indication of frequency or volume of such work
- Name and address and nature of business of each company or other body of which you are a director, with an indication of whether it is in a paid or unpaid capacity
- Name and address and nature of business of each firm or company in which you are a partner
- Name and address and nature of business of each firm or company in which you hold shares (other than a bank or building society)
- Name and address and nature of additional business, or other employment

What details you need to declare

If you are declaring membership of a business, you should tell us the nature of your membership of the business, for example your title in that organisation.

In addition to the above, you should declare:

- any additional details set out above for the type of association
- whether you are aware of any possible perception of a conflict of interest and, if so, the details of what that conflict might be

The holding of shares or other securities in an organisation with whom the council contracts, or is considering contracting, should be declared if the holding exceeds £25,000 or more than 1/100th of the nominal value of the issued share capital, whichever is less. You do not have to declare the size and nature of your interest, just the name of the company.

Please remember that this element of your declaration (i.e. associations with other businesses) may be published in some circumstances. Please refer to paragraph xxx for details.

If we publish your interests declared as associations with other businesses, then we will want to include the detail set out in the procedure.

Implications of a declaration

Directors should consider reassigning any elements of the role which require interaction with the business in question (or the business' rivals). Additional oversight may be required where decisions are made to use those businesses. The director should ensure that the employee is clear about the implication of the principles of openness and stewardship in the context of their outside interests.

As a rule of thumb, the council does not expect its employees to be engaged in work for more than 48 hours a week, including work for other organisations.

c) Your beneficial interests in land and property

What you need to declare to the council

You should declare if:

- you have a beneficial interest in any land or property within the county boundaries. This excludes your own home but includes any additional properties that you may own.
- you have a beneficial interest in land or property owned by the council (this includes living in the property).
- you intend to bid for land or property owned by the council.

What a “beneficial interest” is

A beneficial interest is any interest of value, worth, or use in property held currently or in trust.

What detail you need to declare

You should declare the address of the land or property (or an accurate description of its location if it does not have a recognised address).

If you are declaring a beneficial interest, you should declare the nature of your beneficial interest (for example that you live there).

You should declare whether you are declaring an intention to bid for the land or property owned by the council.

Implications of a declaration

The most likely implications of these declarations are if the employee has the opportunity to influence the development of their local area, or to licence business in the area.

d) Your personal relationships or associations with contractors and suppliers

What you need to declare to the council

Orders and contracts should be awarded on merit, by fair competition against other tenders, and no undue preference should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

You should declare all associations of a business or private nature with external contractors or potential contractors. You only need to declare associations if you engage or supervise contractors, or have any other official association with contractors.

The definition of association here is wider than the requirements about close personal associations, but only applies if you have some form of association outside your work for the council.

What detail you need to declare

You should declare:

- the name of the person who you have a personal association with
- the business that they work for
- the nature of your actual or potential official association with them.

Implications of a declaration

It may not be appropriate for an employee to be involved in contractual arrangements with a contractor they have a personal association with.

Consideration should also be given, dependant on all the individual circumstances of the situation, to the sorts of safeguards which might be put in place where someone the employee has a close personal association with is associated with a business.

e) Your financial interest in council contracts and sponsorship

What you need to declare to the council

You should declare any financial interest you have in any contract whether it has been or is proposed to be entered into by the council. This is a statutory obligation set out in the Local Government Act 1972. A failure to comply may amount to a criminal offence.

You should declare if you have – or would have – a financial interest in arrangements that the council has entered into or is considering entering into to sponsor an event or service.

Who will be told about this declaration?

If you declare an interest in a council contract, then your director should tell the Chief Executive. Regardless of your grade and expressed wishes, the council may publish a declaration you make of a financial interest in a council contract. This is an exception to the normal disclosure rules which apply to most other declarations.

What detail you need to declare

You should declare which contract you have a financial interest in, and the detail of that interest: how you would be financially affected by the contract.

Implications of a declaration

Only in exceptional circumstances can employees be involved in arranging, evaluating, or awarding a contract which they have a pecuniary interest in.

f) Your close personal associations

Which close personal associations the council needs to know about

You should declare all close personal associations (regardless of whether or not you can see a potential conflict of interests) with:

- an elected member (Herefordshire Council councillor).
- a council employee who is in a politically restricted post.
- a member of staff (including workers such as contractors, volunteers and temporary agency workers) who you manage or supervise. This includes people who you indirectly manage (for example if you manage their manager) and people who you, in practice, give day to day instruction to even if you are not formally their line manager.
- a council employee you have to make employment decisions about (for example in disciplinary proceedings, signing-off overtime etc.). It is especially important to remember this requirement when you are recruiting to posts in the council.
- a council employee who manages you, or makes employment decisions about you (there is more about this in section 8). This includes indirect managers and people who give you day-to-day instructions, as outlined above. It is especially important to remember to consider this requirement when you apply for posts in the council.

You should also declare all close personal associations with:

- anyone who is applying for something (for example a grant, a licence, or a contract) from the council which people might think you are in a position to influence

What “close personal associations” are

A “close personal association” will always include someone you are married to, or who you are in a civil partnership with, your parents, your brothers and sisters, your sons and daughters, and any person you live with as your partner.

You should declare other associations if you think that a reasonable person in possession of the relevant facts would think that the association amounts to a close personal association. This may include an association of animosity as well as a positive association.

What detail you need to declare

You should declare the name of the person you have a close personal association with. If the person works for the council you should provide sufficient information (for example their job title) to enable us to identify the person.

If you are declaring a close personal association which may also give rise to a perception of a conflict of interests you should declare what that conflict might be, for example what application the person is making.

It is important to note that you do not have to tell the council what your association is to a person, just that you have a close personal association with that person.

For example:

- you might write “Close personal association with Jane Smith, who is in the operations team.”
- you do *not* have to say “Jane Smith, in the operations team, is my civil partner.”

Implications of a declaration

You should not make “employment decisions” about someone you have a close personal association with. “employment decisions” include decisions to employ or dismiss someone, and most decisions under HR policies, such as the disciplinary, grievance, and performance policies.

This effectively means that it is very hard, if not impossible to be the line manager of someone you have a close personal association with.

If you have a close personal association you should ensure that you do not inappropriately share with that person information that is not publically available.

Senior officers who have close personal associations with staff in their own service areas may need additional checking by your Director (or their nominee) to provide reassurance during decision-making, to prevent any perception that decisions may have been tailored with specific consideration of the impact on those staff. For example, there may be a need for closer oversight and scrutiny during a restructuring exercise.

Where you have close personal associations you are under an obligation to disclose:

1) Their membership of organisations which may give rise to perceptions of conflicts of interest

What you need to declare to the council

You should declare if anyone you have a close personal association is a member of any organisation which has dealings with the council which could give rise to a perception of a conflict of interest with your role, or with decisions or recommendations which you might make as part of your work for the council.

What detail you need to declare

You need to declare:

- the name of the person
- the name of the organisation or business
- the nature of the organisation or business (what it does)
- the detail of the potential conflict of interest

Implications of a declaration

The implications of declarations of this kind are similar to those where the interest is that of the employee themselves.

2) Their employment with organisations which may give rise to perceptions of conflicts of interest

What you need to declare to the council

You should declare if anyone you have a close personal association is associated with a business which has dealings with the council which could give rise to a perception of a conflict of interest with your role, or with decisions or recommendations which you might make as part of your work for the council.

What detail you need to declare

You need to declare:

- the name of the person
- the name of the organisation or business
- the nature of the organisation or business (what it does)
- the detail of the potential conflict of interest

Implications of a declaration

The implications of declarations of this kind are similar to those where the interest is that of the employee themselves.

When to declare interests

All employees will be required to make an annual declaration of interest(s), and new employees will be required to complete their declaration before they start work. There is a sample form in the appendices to this policy which you may use.

When you declare an interest:

- The declaration should be in writing and should clearly be headed/titled as being a declaration of interest(s)
- The declaration should be made separately so that it is easily identified and can be filed. It should not be part of another document.
- You should be clear what you are declaring, or that you are declaring that you have no interests which you ought to declare.
- The declaration should be emailed from your personal council email account to: xxx

The form will help to guide you through the declaration process.

Verbal declaration of interests at formal meetings

You may be asked on occasion to declare any relevant interests at formal meetings (especially those where councillors are present) or when making formal recommendations or decisions. The fact that you may have declared an interest in those settings does not remove the need to complete/update your register of interest declaration as well.

You should declare interests in a number of categories, which are set out below. You should promptly make a declaration:

- when you start a new job with the council; **and**
- whenever you are asked to do so by the council; **and**
- as soon as you know about a change in the interests you are obliged to declare.

You should make an immediate declaration if you become aware that you have an interest in a council contract which is either proposed or entered into, if that interest could be perceived as giving rise to a conflict of interest.

Your director is accountable for deciding posts which will be proactively checked (i.e. ones we actually send forms out to each year to ask you to amend or confirm your details.)

Advice

You can ask for advice before doing something which may become an interest.

You can discuss potential interests with your director at an early stage: you do not have to wait until an interest is created to find out whether your director would see it as a conflict of interests, or to find out what impact there would be on your role.

You can write to your director to ask them to assess the impact of a potential interest, so you can decide whether to develop a new interest. For example, if you are thinking of starting a business, you can discuss the implications before you actually commit to that plan.

Breach of this policy

Any breach of this policy could lead to disciplinary action. It is particularly important to know that the following would normally be considered to be breaches of the policy:

- If you fail to return a declaration of interests form when asked to do so by the council.
- If you do not declare an interest which you should have declared.
- If you deliberately mislead your director about the nature of your interests.
- If you act in circumstances where you have a conflict of interest.

Although the severity of misconduct will depend on all the circumstances of the case, it is likely that we could only consider a failure to declare an interest to be gross misconduct if there is the potential for the perception of a conflict of interests.

Assessing Outside Interests

When you submit a declaration of interests, your director will look at the duties of your post, and the interests you have declared and assess whether there is an actual or potential for any perception of a conflict of interest.

Your director may need to discuss your declaration with you, which may cover the exact nature and extent of your interest, or seeking further detail about, for example, an organisation you have declared membership of.

If you provide additional information to clarify the assessment process, you may be asked to add this to your declaration, so that there is a record of the information which the assessment was based on.

In some cases we may publish interests declared as “associations with businesses” (as explained in this procedure). It is particularly important, therefore, that you work with your director to ensure that this section is properly completed.

Remedial action to mitigate or remove any potential perception of conflicts of interest

If there is any risk of a perception of a conflict of interests, then your director will decide how serious that risk is. Your director may decide to make changes to your role, or the oversight of your work, in order to avoid or minimise the risk that of a perception of a conflict of interests. The director has wide discretion to take action which is appropriate in all the circumstances. They may consider, for example:

- Redistributing responsibilities across a team (for example if a team is split across geographic areas, changing roles around to minimise or avoid conflicts of interest)
- Reassigning a part of the role to another person (and, therefore, often part of their role to you). Directors should be mindful of the grade of officer required to carry out elements of work.
- Requiring you to have specific decisions (or types of decision) reviewed or approved by someone else.
- Directing that you should not be assigned a particular piece of type of work when work assignments are distributed amongst the team.

In very rare cases you may have an interest which is fundamentally incompatible with your role and you may be asked to choose whether to end your outside interest or to give up your role with the council. In such cases the council will make reasonable efforts to redeploy you to a role where the conflict would not arise or could be managed.

In the vast majority of cases the information is kept confidentially by the council as part of the records we hold about you on business world (as with payroll or personnel information, for example).

The business interests of senior officers (the top 3 tiers of management, i.e. Chief Officers and above) will be published on the council's website. Consideration of factors against publication are considered by the Head of Human Resources and Organisational Development in consultation with the Monitoring Officer, and should demonstrate harm or damage.

Business interests includes:

- Name and address and nature of additional business, or other employment
- Name and address of company, firm or other body or individual of whom consultancy is undertaken and nature of consultancy with an indication of frequency or volume of such work
- Name and address and nature of business of each company or other body of which you are a director, with an indication of whether it is in a paid or unpaid capacity
- Name and address and nature of business of each firm or company in which you are a partner
- Name and address and nature of business of each firm or company in which you hold shares
- Name and address and nature of additional business, or other employment

If you declare that you have an interest in a council contract, for example you are bidding for council business, the council may have to publish that information.

Publishing interests

The interests that may be published

The council *may* publish:

- details of any financial interests in council contracts which you declare without your explicit consent and regardless of your role.
- the details of your interests declared as “associations with businesses” if either:
 - you agree to us publishing them; or
 - you are in the top three tiers of management, i.e. the Chief Executive, someone who reports to the Chief Executive and also their direct reports (Chief Officers and above)

You will be asked on the declaration of interests form whether or not you consent to the publication of your interests declared as “associations with businesses”.

Top three tiers of management (as defined above)

We may externally publish your associations with businesses if:

- you have explicitly given us permission to do so on your declaration; **or**
- you did not give us permission to do so on your declaration, but the Head of HR and OD has not received a written objection to publication within 28 days of you submitting your declaration; **or**
- the Head of HR and OD has reviewed your objection and nevertheless decided to publish your business interests.

Objecting to the council publishing your business interests (senior officers only)

Any objection to publication should be in writing, and sent to the Head of HR and OD. You should set out:

- what information you want the council to withhold
- the reasons for which you wish the information to be withheld
- what harm, if any, you believe could arise from publication.

Extent of publication

If we publish your associations with businesses, we will disclose the following information:

- Your name
- The directorate and section in which you are employed
- Name and address and nature of additional business, or other employment
- Name and address of company, firm or other body or individual of whom consultancy is undertaken and nature of consultancy with an indication of frequency or volume of such work
- Name and address and nature of business of each company or other body of which you are a director, with an indication of whether it is in a paid or unpaid capacity
- Name and address and nature of business of each firm or company in which you are a partner
- Name and address and nature of business of each firm or company in which you hold shares
- Name and address and nature of additional business, or other employment

Guidance for directors in deciding which posts to check every year

Directors assess posts against three criteria to establish whether the duties of the post are more likely to place the post-holders in a position where conflicts of interest may occur:

1. posts where post-holders give significant advice or speak on behalf of the council. Posts that meet this test will usually be politically restricted. There is more guidance about this criterion in the Politically Restricted Posts policy; or
2. posts where there is significant authority to make decisions. This group is defined in the section on whether we publish someone's interest; or
3. posts with significant discretion concerning council spend and procurement. This group includes posts which undertake activities such as commissioning, procurement including assessment of tenders, purchasing, ordering etc. Insignificant discretion, e.g. ordering relatively small amounts of stationery from a list of approved suppliers would not, in itself, warrant inclusion. Officers exercising significant spending discretion should be included. The definition of "significant" is at the discretion of the director.

Directors can also specify other posts which they believe, in all the circumstances, should be asked to declare their interests annually, if there is a risk of perception of conflict of interests arising.

Employees in positions identified as requiring an annual check are required to complete a register of interest declaration in Business World. However, all employees who may have a conflicting interest should also complete a declaration.

HR role in the process for annual declarations

Each individual is responsible for declaring their own interests.

HR will, however, send out annual reminders to staff in posts which the director has determined should be proactively checked each year (these have been known in previous years as “high risk posts”).

HR will provide each of the directors:

- Lists of the post holders who were sent reminders, who:
 - have made a return,
 - made a nil return (said they had nothing to declare)
 - have not responded at all.
- Lists of any other employees who have made a return, including the details of their returns.

The information will be broken down by service area in case the director wishes to delegate the actual checks.

When the director (or their nominee) has assessed the risk and taken steps to mitigate any issues they should record on Business World their authorisation of the interests and confirmation of any management action taken

Additional Information

Ongoing monitoring for potential conflicts of interest

Even if a manager is not the director’s nominee for assessing a person’s declaration of interests, any line manager needs to be aware of the declared interests of their staff.

Change of manager

Managers should ensure that they review the register of interest returns for the staff they manage, so they are aware of any potential conflicts of interest.

Managers can request the register of interest returns for their own staff from the business support centre.

Change of staff and new staff

When new staff are assigned to a manager, the manager should either:

- Review the member of staff’s existing declaration of interests, if their previous job was the same as their current role
- Ask the member of staff to complete a new declaration. (A new declaration will be required for any new starter.)

Change of duties

When a person’s duties change (or there is a proposal to change a person’s duties) the manager should review their declaration of interests form and refer the matter to the director where appropriate.

Delegation

It is expected that directors will delegate the responsibility for reviewing declarations of interest to an appropriate level of management. The director remains accountable, however, for the assessment of declarations, and the steps taken to minimise the risk of the perception of conflicts of interest.

Where this policy refers to the director taking action, that action may be taken on the director’s behalf by their nominee(s). Wherever possible, the term “director” should be understood in this sense.

Insert form

Employee gifts and hospitality policy

This policy sets out the rules for dealing with gifts and offers of hospitality. It applies to all employees of the council, irrespective of grade or role. This policy forms part of your terms and conditions of employment.

If you supervise/line manage other employees you should make sure they know about and understand the policy. If you supervise people who are not employees of the council (for example contractors, volunteers and temporary agency workers) you should make them aware of the policy, and make it clear that they are under a duty to follow the policy.

If the people you supervise behave in ways that are inconsistent with the policy, you should take action. You may want to ask your line manager or HR service for guidance, or consider using another policy to guide your response.

If you are unsure about any part of this policy you should get clarification from your line manager or from the Human Resources service.

Principles

You should not benefit from your position at the council beyond the pay and reward schemes the council has in place.

It is important to avoid any perception that access to council services, or the quality of council services, can be inappropriately influenced.

If someone offers you a gift you should seek permission from your director² before accepting it unless you can rely on one of the exceptions in this procedure. **Whether or not you accept it, you should make a declaration even if someone just offers you a gift or any hospitality**, unless you can rely on one of the exceptions in this procedure. Never accept a gift or hospitality:

- as inducement or reward for anything you do as an employee of the council;
- which puts you under an improper obligation; or
- if acceptance might be open to misinterpretation.

You should not solicit gifts or hospitality (other than modest refreshments which are incidental to the business in hand, for example a cup of tea at a meeting).

This policy and procedure benefits everyone because it helps to protect:

- the council's reputation, and people's confidence in our staff and services, by reassuring people that our staff are not swayed in their work by gifts or inducements;
- you by ensuring that you avoid behaviour which could leave you open to reputational damage, disciplinary action or prosecution; and
- the council from potential prosecution, because we have put a sufficiently robust system in place to prevent employees from breaking the law.

² Or in the case of a director the chief executive or in the case of the chief executive the monitoring officer

Relevant legislation

- The Bribery Act 2010, which is explained in detail in the council's [Anti-Fraud, Bribery and Corruption Policy](#). You should make sure you have read and understood the Anti-Fraud, Bribery and Corruption Policy. If you are unsure how to obtain a copy of the policy, ask your manager for a copy.
- section 117 of the Local Government Act, which states "an officer shall not, under colour of his office or employment accept any fee or reward whatsoever other than his/her proper remuneration".
- Section 2 of the Prevention of Corruption Act 1916 states that where it is proved that anyone holding or seeking a contract with a public body has made a payment to an employee of that body, the payment shall be deemed to be corrupt unless the contrary is proved. This means that if you accept a gift from someone who has a contract with the council or who is trying to get one, it would be you that had to prove it was not corrupt, or that it was not a bribe.

What gifts and hospitality are covered

Gifts may be objects, money, favours, discounts, prizes, loans, legacies (things you are left in wills) or other things that are a benefit. This list is not exhaustive, which means that something which is not mentioned may still be considered to be a gift. It does not matter whether the gift is for you, or for someone else, or some organisation you are associated with.

Hospitality includes offers of transport, refreshments, meals, accommodation etc. It also includes "free" conferences, briefings etc. put on by people outside the council. This list is not exhaustive, which means that something which is not mentioned may still be considered to be hospitality.

Exceptions

Exceptions to the rule that you need to declare all offers, and seek permission before accepting any offer.

The following exceptions apply unless your service tells you (in writing) that they do not. Some service areas, because of the nature of the associations between staff and clients may issue written instructions to staff which prevent them from using some or all of these exemptions. In such cases it is for the service to demonstrate that it made you aware that an exemption does not apply. Conversely, some services areas may have further exceptions as a local policy.

Gifts and hospitality of a minimal value

Add together the total value of all the gifts you have been offered from a particular source (e.g. a customer, or a firm). If the total for the last twelve months is less than £20, you do not have to declare the offer of a gift, or to seek permission to receive it.

Examples of things this allows you to accept include: a small box of chocolates from a service user; a branded pen from a company; or tea and coffee from a business or client when you visit them.

You may also accept hospitality in the form of reasonable offers of transport directly linked to the business in hand, for example a lift with a contractor to review ongoing building work.

Although you do not have to declare these gifts you can do so, if you think it would be appropriate, for example if you receive a lot of gifts, or if you are concerned that there might be a conflict of interest.

Discounts of a modest nature offered to all employees (unless there is a conflict of interest)

If a business offers a discount to all council employees, you do not have to declare the use of the discount, or to seek permission to receive it. As long as:

- The offer has been accepted by the HR service and promoted to all staff. Such offers will only be accepted and promoted by HR if the offer to council employees is equally available to other employers operating in the county – eg HALO membership offers are available to local businesses groups and societies at no cost to the employer
- the total value of discounts you have enjoyed from this source in the last twelve months is less than £250; and
- this individual discount is no more than £50; and
- there is no risk of someone perceiving a conflict of interest

A “conflict of interest” is a situation where a reasonable person might think that someone in the same role as you, with the same outside interests as you, could be influenced in the decision or recommendations they make as part of their work for the council. Even when you do not **have** to declare these gifts, you can do so, if you think it would be appropriate.

Gifts and hospitality from other employees, members or the council itself

You do not have to seek permission to accept gifts and hospitality from other employees, or the council itself. Although you do not have to declare these gifts you can do so, if you think it would be appropriate.

Promotional offers, such as “free gifts” from suppliers

Any promotional “gift” in those circumstances would belong to the council and not the person who put the order in. The gift should be declared and used for council purposes (eg donated to the Chairman’s nominated charity).

Conferences and seminars

If you go as a paying delegate, there is no need to declare this as a gift or hospitality, unless there is a discount that is not covered in the exemptions and which is not generally available. (eg If there is 50% for everyone who applies, then that isn’t an inducement specifically aimed at you as a Herefordshire Council employee.)

If you are offered a free place at a conference or seminar, and you do not go, then you only have to declare the offer if it would be right to do so in all the circumstances. You should consider the value of conference/seminar place, the association you and the council have with the company or person making the offer, and any relevant council decisions (recent or upcoming) which reasonable people might think the donor could have an interest in.

If you are offered a free place at a conference or seminar and want to go, you should seek permission from your director following the rules set out in the policy/procedure.

Estimating the value of gifts and hospitality

When assessing whether the gift or hospitality being offered is worth £20 or more, a degree of common sense needs to be applied. Where a series of small gifts are offered from the same source over a relatively short period of time and the cumulative value of the gifts is over £20, they ought to be registered.

The best way to preserve transparency when assessing the value of any hospitality provided, is to consider how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis. Clearly where you are in any doubt the prudent course is to register the hospitality.

Making declarations

The form for declaring gifts and hospitality appears as an appendix to this policy. The form helps guide you through the information you need to provide, and makes it easier for your director and other colleagues to process the information you provide.

Here are the key points for making a declaration:

1. The declaration should be in writing and should clearly be headed / titled as being either:
 - a declaration of an offer of a gift or hospitality; *or*
 - a request to accept a gift or hospitality
2. The declaration/request should be made separately so that it is easily identified and can be filed. It should not be part of another document.
3. You should be clear about:
 - what you are declaring, or what you are seeking permission to accept
 - who the offer was made **to** (for example, to you, or to your team)
 - who the offer was made **by** (and what organisation, if any, they represent)
 - the value and nature of the gift or hospitality
 - whether you have received a gift or gifts from this source in the last twelve months which you did not declare (due to one of the exemptions)
4. If you are seeking permission to accept the gift, you should indicate what you will do with it, if your request is granted.
5. The declaration/request should be emailed from your personal council email account.

Unless your management or your service has advised you that your director has nominated someone else to deal with your declaration/request, then you should send the form to your director.

If your manager or service tell you the director has nominated someone else to deal with your declaration/request, then you can rely upon that instruction and send your declaration/request to that nominee.

Reviewing declarations

Declarations are reviewed by Directors or their nominees if your service has nominated someone else to deal with them. Directors should have due regard in deciding whether or not to grant permission to accept an offer of a gift or hospitality, to all reasonable factors, such as:

- the public perception that would arise from either accepting or declining the offer (and, in particular, the importance of avoiding any reasonable perception of a conflict of interests)
- the benefit, if any, to the council or service of accepting the gift or hospitality

Directors should take one of the following courses of action:

- decline the request to accept the offer
- agree the request to accept the offer

Assessing a notification of an offer (with no request to accept the offer)

In reviewing notifications of offers which have not been accepted, directors should watch for any trends which could be of concern, for example:

- if a particular individual or organisation may be attempting to influence staff
- if (vulnerable) clients should be discouraged from making offers
- if a particular member of staff (or group of staff) appear to be receiving an unusual number of offers

In all cases where directors become concerned they should take appropriate action to investigate and/or address the issue. They are strongly advised to keep notes of any concerns and any action taken. Their action is to note that the employee has declared that they have declined a gift.

Once a decision is taken on what to do about an offer, the director should inform the employee and forward the form to the business support centre (contact details will be included on the current version of the form).

How to decline a gift

If the offer is made in person, you should politely but firmly decline it, or explain that you must first seek permission to accept it.

If you are frequently offered gifts or hospitality, you might want to talk to your manager about a stock sentence or two that you can practice and get used to using as a reply. It is sometimes a good idea to explain about the need to maintain public perception of impartiality because we are a public service, but you need to say it in a way that you are comfortable with and is appropriate for the person offering you the gift. If you explain why you are saying no, this can avoid the person taking your refusal as a personal rejection. If a gift comes through the post and is declined you should return it with a polite note.

What the council will do with the forms

Business world will hold the information recorded and at least once a year, will supply each director with a summary of all declarations / requests to accept gifts (and the outcomes) within their remit. This will enable the director to identify any areas of concern.

Insert Form

Politically restricted posts policy and procedure

This policy sets out why certain posts within the council are politically restricted and what that means. It applies to all employees of the council, irrespective of grade or role. This policy forms part of your terms and conditions of employment. The council should tell you if your post is politically restricted.

If you supervise/line manage other employees you should make sure they know about and understand the policy. If you supervise people who are not employees of the council (for example contractors and temporary agency workers fulfilling functions of a politically restricted post) you should make them aware of the policy, and make it clear that they are under a duty to follow the policy.

If the people you supervise behave in ways that are inconsistent with the policy, you should take action. You may want to ask your supervisor for guidance, or consider using another policy to guide your response, for example the [Disciplinary Policies and Procedures](#).

If you are unsure about any part of this policy you should get clarification from your line manager or from the Human Resources service.

Definitions

The Local Government and Housing Act 1989 (as amended) sets out that some people who work for a council (other than head teachers, teachers and lecturers) are barred from carrying out certain political activity.

Public confidence in the council could be damaged if people thought that council employees were acting to their own political ends, rather than carrying out the council's lawful functions. To avoid that perception, the law states that people in certain council jobs cannot be active in political parties. Those posts are known as 'politically restricted' posts.

Politically restricted posts

Posts may be politically restricted for two reasons: they may be **specified posts** or the post may have **sensitive duties**.

Specified posts

As a guide, the top three tiers of management are likely to be specified posts. This includes the Chief Executive, those reporting to the Chief Executive and their direct reports, i.e. Chief Officers and above. Legislation states that a post is politically restricted, and cannot be granted an exemption from restriction, if:

(a) the post is that of a statutory chief officer which includes:

- head of paid service
- director for children's wellbeing
- director for adults and wellbeing
- chief finance officer
- director for public health; OR

(b) the post is that of a non-statutory chief officer, which includes:

- Director for economy, communities and corporate

- Monitoring officer; OR
- (c) the post is that of a deputy chief officer which includes:
- Direct reports to any of the above (other than secretarial or administrative posts).

Sensitive duties

Your post has “sensitive duties” if the role involves regularly advising the council, or regularly dealing with the media, i.e.

- (a) post holder gives advice on a regular basis to the authority itself, to any committees or sub-committees of the authority, or to any joint committees on which the council is represented, or to any member of the executive who is also a member of the council; and/or
- (b) post involves speaking on behalf of the council on a regular basis to journalists or broadcasters.

Effect of Political Restriction

If you are in a politically restricted post, you should not act as an agent or sub agent for, or stand for office as, or be:

- a local councillor
- an MP
- an MEP
- a Member of the Welsh Assembly
- a Member of the Scottish Parliament
- a directly elected mayor
- a Police and Crime Commissioner

Unless you are a political assistant, being in a politically restricted post also means that you are also restricted from:

- holding office in a political party
- canvassing on behalf of a political party or a person who is or seeks to be a candidate
- speaking to the public at large or publishing any written or artistic work that could give the impression that you are advocating support for a political party

The Local Government Officers (Political Restrictions) Regulations 1990 do allow the display of a poster or other document on property occupied by a politically restricted post holder at their home or on a privately owned vehicle or article when not on council business.

Exemptions

Each director is accountable for determining whether or not each post in their structure is politically restricted. When they make those decisions, they should consider this policy.

Posts may only be determined to be restricted for the two reasons set out in this policy.

Based on the information provided by managers and directors, business world will keep records of which posts are politically restricted and of any exemptions which apply to individuals in those posts.

The human resources service will supply each director with a complete list of the politically restricted posts in their structure (and any exemptions). The director is accountable for reviewing that list and making any amendments that are required.

Requesting an exemption

If you are in (or have been identified as the preferred candidate for) a post with sensitive duties which is not a specified post you can apply to your director for an **exemption**, which

would mean that you were no longer restricted from doing the things listed in part two. An exemption would be for you; the post itself would still be politically restricted. Sometimes it would be necessary to change part of your duties, or how you perform those duties to allow you to carry out a political role, even if you are granted an exemption. You should request an exemption from your director. You should include:

- your name, payroll number, your job title, and your contact details.
- details of whether the duties you personally perform as the post holder involve regularly advising the council or regular contact with the media, and whether you think adjustments could be made to those elements of the post

Deciding whether to grant an exemption

Directors should take advice from the Monitoring Officer and Head of HR & OD before deciding whether or not to grant an exemption. It may be necessary to seek further information from the post holder, colleagues and managers before making a determination.

There are no set rules for granting an exemption, but directors should only do so when it is appropriate in all the circumstances. In some cases directors may be able to agree changes to the post's duties, or the way those duties are carried out to avoid sensitive duties, or to impose sufficient oversight to avoid any potential conflicts of interest. Directors should provide written decisions to the post holder. The human resources service should be notified of any exemptions granted.

Reviews and Appeals

Requesting a review of whether a post should be politically restricted

If you believe that your own post (or a post that you have been identified as the preferred candidate for) has been identified as being politically restricted in error you can ask your director to **review** whether the post is a specified post, or has sensitive duties.

Anyone, whether or not they are an employee, can make a written request for a post to be identified as a politically restricted post.

To request a review you should write to the relevant director (or the Chief Executive if you do not know which director's remit the post falls under). You should include:

- your name and contact details so we can tell you the outcome of the review.
- details of the post. It is helpful to include as much of the following information as you can: the job title, the current post holder, the directorate, the service, the name of the current post holder.
- whether you think the post should, or should not, be politically restricted.
- why you think the post should, or should not, be politically restricted.
- if you have documents which support your request please send those with your request, for example if you think a post should be politically restricted because the post regularly deals with the media, you might include examples of press releases or quotations in the media which have been attributed to the post holder.

Director's role in reviewing whether a post is politically restricted

If directors are asked to review the political restriction on a post they should refer to the policy and procedure which sets out the two reasons for political restriction. It is important to remember that it is the post being assessed and not the way the current post holder is carrying out their duties.

For example, if there are three people in the same post, but, in practice one gives regular advice to the council, a second deals regularly with the media and the third deals with

internal professional practice, then all three posts should be politically restricted as long as, in theory, any of the three post holders could be asked to do any of those three things.

Appealing against a director's review or decision on exemption

If you do not think that the director has made the right decision, you can write to the Chief Executive with a copy of your original request, and the director's reply, and ask him to review the decision.

Deciding on an appeal

The Chief Executive should take advice from the Monitoring Officer and the Head of Human Resources & Organisational Development before deciding whether or not to grant an exemption, or whether or not a post should be politically restricted. It may be necessary to seek further information from the post holder, and the director who made the decision before making a determination.

Posts which are missed off the list of political restricted posts by mistake

Anyone, whether or not they are an employee, can make a written request for a post to be identified as a politically restricted post. The request should be made to the relevant director.

If you do not follow this policy

If you do not follow this policy then you may be referred into formal procedures, including the disciplinary procedure. Depending on all the circumstances of the case, a potential outcome of disciplinary action is dismissal.

Although disciplinary matters depend on all the facts of individual cases, if you stand for (or attain) a prohibited office while in a politically restricted post then it is likely that this will be viewed as gross misconduct.

