

PRESCOT TOWN COUNCIL



MANAGING CONDUCT, PERFORMANCE AND INFORMATION POLICY

Version:	1.0 with flow process diagrams
Approved by:	Human Resources Committee
Date formally approved:	June 2014
Document Author:	Daniel Wilson
Review date:	Policy will be reviewed periodically
Target audience:	Council wide

Contents	Page
1 Policy Statement	3
2 Purpose	3
3 Responsibilities	3
3.1 Employee's Responsibilities	3
3.2 Manager's Responsibilities	4
4. Managing Conducts, Performance and Information	4
4.1 Probationary	4-6
4.2 Disciplinary	7-13
4.3 Mediation	14-17
4.4 Grievance	17-19
4.5 Collective Disputes	20-22
4.6 Employee Incapability	23-26
4.7 Acceptable Use of IT Protocol	26-36
4.8 Information Security	36
4.8.1 Information Security Acceptable Use	36-41
4.9 Confidential Reporting	41-42
4.10 Driving at Work	42-43
4.11 Allegations Management	43
5 Appeals	43
6 Related Guidance Notes with Flow Process Diagrams	44
Appendix 1 Code of Conduct	45-65
Appendix 2 Mediation Referral Form	66
Appendix 3 Mediation Case Form	67
Appendix 4 Mediation Letter	68
Appendix 5 Statement of Confidentiality	69-70
Appendix 6 Confidential Agreement Form	71
Appendix 7 Guidance on Managing Employee Performance	72-78
Appendix 8 Information Security Guidance Document	79-81
Appendix 9 Information Security Policy	82-84
Appendix 10 Fast Tracking of Capability Procedure	85

1. POLICY STATEMENT

This policy will lead to the effective management of employees in order to achieve high levels of performance, acceptable standards of conduct and the appropriate management of information. This integrated policy, together with the Council's Corporate Code of Conduct (Appendix 1), will assist managers in understanding how this can be achieved.

This policy will incorporate: -

- Managing performance through capability, probationary;
- Managing conduct through disciplinary; grievance; mediation; driving at work; and confidential reporting;
- Managing the Authorised Use of IT.

2. PURPOSE

This procedure describes a framework for the management of each activity. It is not intended to be prescriptive in specific detail as it recognises the necessity for flexibility in the approach taken in each individual circumstance. However, where necessary, this policy must be read as supplementary to the provisions of relevant Employment Acts, and the National Schemes of conditions of service of the various employee groups affected. This policy is not intended to supersede, rescind or amend any of the stipulations, principles or procedures of the aforementioned Acts and Scheme Conditions.

3. RESPONSIBILITY

Managing conduct, performance and information is a joint responsibility of employees and managers.

3.1 Employees Responsibilities

It is expected that all employees will take responsibility for improving and maintaining their performance and for managing their conduct. Employees will therefore perform their duties in a competent and efficient manner in line with the Council's and legislative requirements.

Employees have a responsibility to:

- Be actively involved in their performance management.
- Continuously improve their performance and be accountable for their actions.
- Participate fully in any process implemented in order to address their

conduct and/or performance.

3.2 Managers Responsibilities

Managers have additional responsibilities to:

- Ensure that the processes outlined in this policy are established in their worksites and that any conduct and or performance issues are addressed in accordance with the appropriate process.
- Set, communicate and monitor the required performance measures and standards.
- Encourage a participative approach with employees in working through performance and or conduct issues.
- Ensure that they have the skills necessary to implement the processes effectively.

4. MANAGING CONDUCT, PERFORMANCE AND INFORMATION

4.1 Probationary

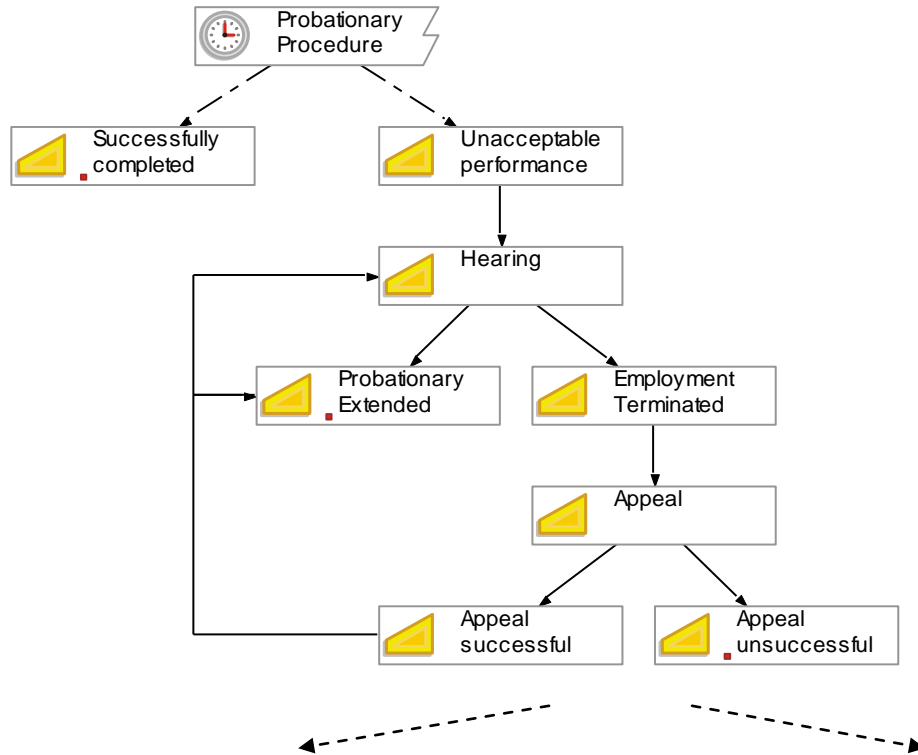
All new entrants to the Authority, apart from employees transferring from the service of another Authority or from any other service accepted by this Authority as appropriate, shall be subject to a six month probationary period. This must be made apparent to all prospective new employees during the recruitment process and in any job offer letter and written Statement of Particulars.

It is the Manager's responsibility to set and monitor the required standards of work, and to convey this information to the employee, this will be assessed at regular intervals.

On the successful completion of this period, the individual will be advised in writing.

The flow chart below is the overview of the Probationary Process.

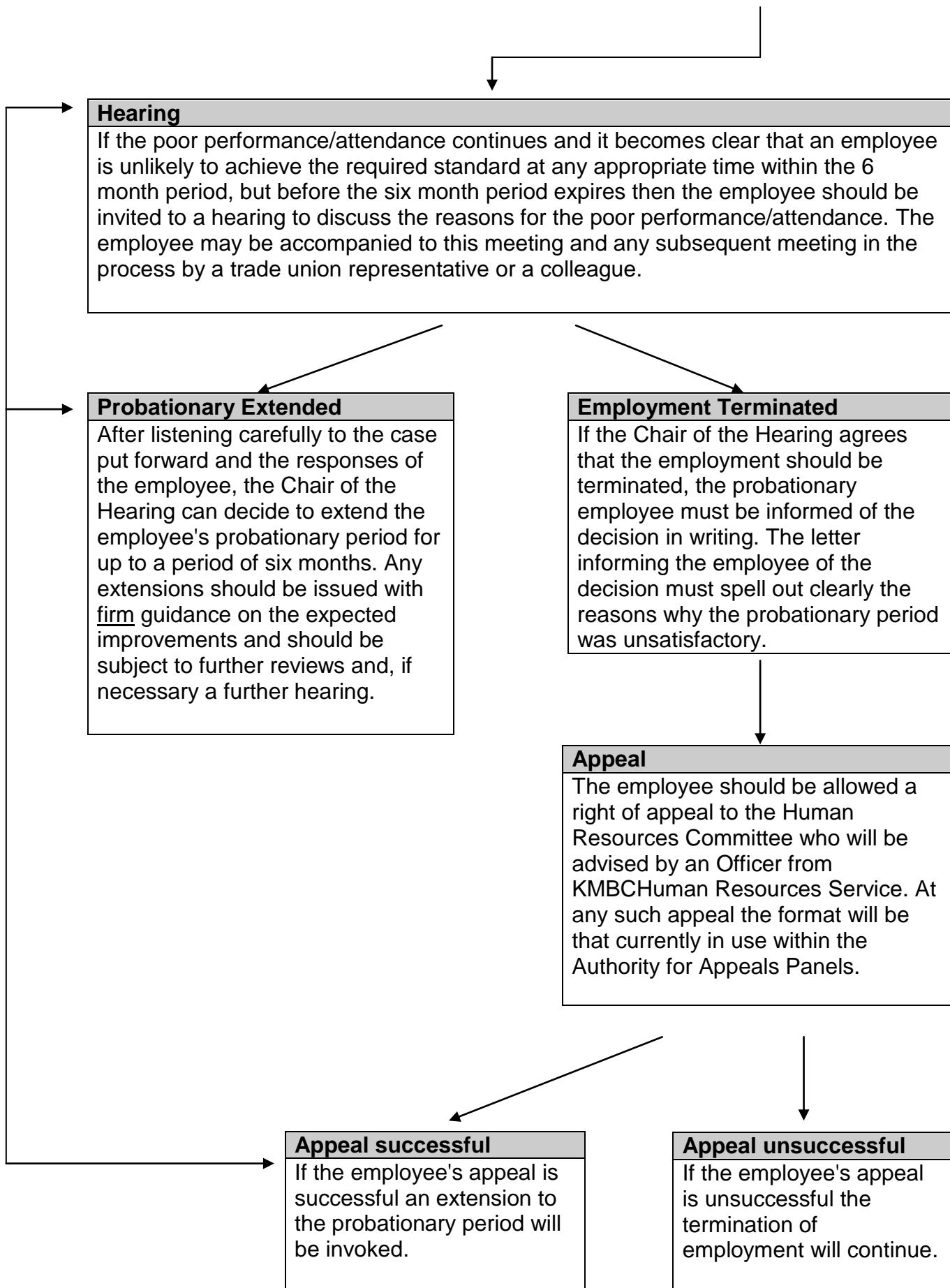
Probationary Procedure
All new entrants to Prescot Town Council shall be subject to a six month probationary period.
Interim reviews will take place at weeks 4, 10 and 16. These meetings will be used to confirm if the employee has been performing to the required standard.



Successfully completed
 On successfully completing this period the individual's employment with the Authority will be confirmed.

- Performance/Attendance Unacceptable**
- Any problems regarding the employee's performance or attendance must be brought to their attention promptly by the Manager.
 - A written record of the discussion must be kept.
 - Any gaps in performance or attendance must be clearly identified to the employee.
 - They should be advised what improvements are necessary to reach the required standard. Targets set must be realistic.





4.2 Disciplinary

The Council is responsible for establishing and maintaining the highest standards of conduct from all employees.

The objective of this process is to inform and help employees to achieve and maintain the required standards of conduct.

Often the right word at the right time and in the right way may be all that is needed, and would be a more satisfactory way of dealing with issues of minor misconduct rather than a formal process. Training, coaching and advice may be needed to support the employee. The formal disciplinary process will start if there is no improvement or if any improvement fails to be maintained.

Through this process, the Council will promote orderly employment relations as well as fairness and consistency in the treatment of individuals. As such it is important to establish timescales for dealing with any issues within this process and to keep to them. On that basis all parties should seek to minimise delays. Any variance from stated timescales should be explained in writing.

Enshrined within the Process are the requirements of natural justice. For example employees should be informed in writing of the allegations against them, together with supporting evidence, and allowed to challenge the allegations before a decision is reached. Employees also have the right to be accompanied by a trade union representative or a colleague at any meetings and are provided with the right to appeal any sanction issued.

Prescot Town Council reserves the right to inspect any of the equipment, vehicles or furniture owned or leased by the Council and used by its employees in carrying out their duties. This protocol will be used to ensure the effective and efficient maintenance and use of the equipment and in investigating possible action under any of the Council's policies and procedures.

Levels of Management and Authorised Disciplinary Action

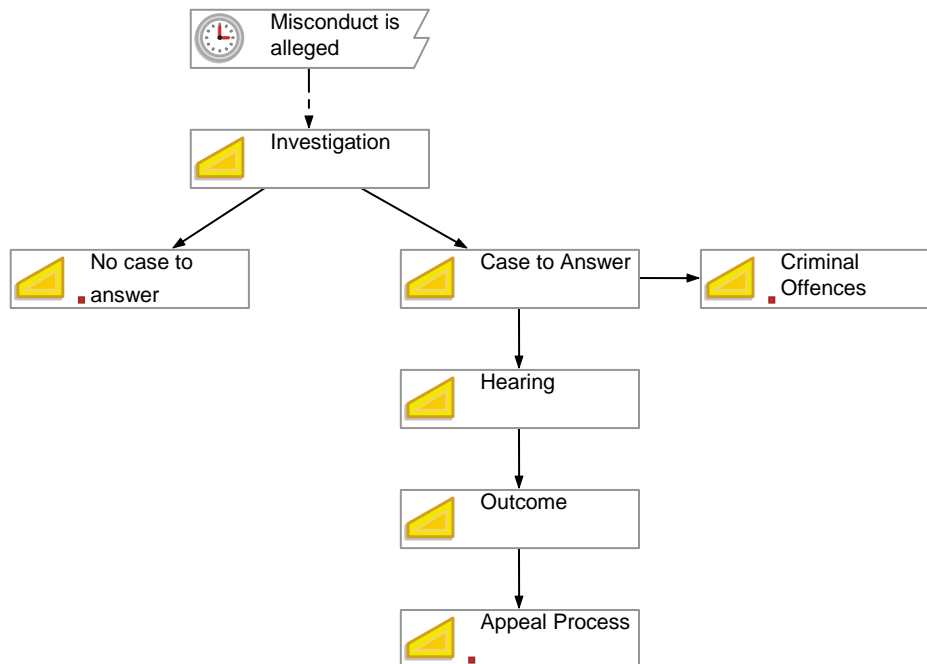
Human Resources Committee

Any disciplinary action up to and including dismissal

Town Clerk

Any disciplinary action up to and including Final Written Warning

The flow chart below is the overview of the Disciplinary Process



Misconduct is alleged

Before any disciplinary action is considered the line manager must carefully assess whether it is necessary to begin formal proceedings.

Issues of minor misconduct can be dealt with informally rather than by holding a formal meeting.

Additional training, coaching and advice may be needed and both manager and employee should be aware that the formal disciplinary process will start if there is no improvement or if any improvement fails to be maintained.

It should be noted however that this is only a preliminary examination of the facts and therefore should be able to be done within 48 hours of being notified of any incidents.

No disciplinary hearing shall take place or disciplinary action be taken against any employee until an investigation is undertaken to establish the circumstances.

It is the responsibility of management to arrange the date of meetings.

It is the responsibility of the employee and his/her representatives to attend the meetings. Employees have a right to representation either by a Trade Union representative or colleague at all stages of the Procedure. This right does not include the right to be accompanied / represented by a Solicitor or other legally qualified representative.

If the employee fails to attend because of illness - supported by a Doctors' note and confirmed by an Occupational Health Report, the manager should arrange one other meeting. If the failure is without good reason the case may be heard in the employee's absence.

Observers will be allowed throughout the process **but only for training and development purposes** and with the agreement of all parties at the meeting.



Investigation

Once it has been determined that a disciplinary investigation should be undertaken an appropriate Investigating Officer (usually the Town Clerk) If it is deemed the Town Clerk cannot act impartially in the investigation the Human Resources Committee will seek support from Knowsley Metropolitan Borough Council - Director of Customer and Employee Services or by his/her nominee.

The Investigating Officer advised by an employee from the Employee Relations team shall commence a formal investigation of the allegations to establish the circumstances.

Consideration 1: Suspension - When an issue of alleged Gross Misconduct has arisen, arrangements should be made for the employee to be suspended from duty on full contractual pay as soon as is practically possible, pending a formal investigation of the matter. Suspension is a neutral act that may be required where gross misconduct is alleged to have occurred or when it is felt necessary to suspend if the continued presence of the employee at work could impede the investigation.

Prescot Town Council reserves the right to inspect any of the assets (e.g. equipment, vehicles or furniture) owned or leased by the Council and used by its employees in carrying out their duties.

The investigation officer should interview and take statements from any individual(s) who may be in a position to provide information relating to the alleged misconduct including the defendant. All statements must be signed as a correct record.



No case to answer

If there is no case to answer. If so any suspension should be lifted immediately and all records of the disciplinary investigation should be destroyed.

If there is a case to answer but disciplinary action is not the most appropriate action, then other action such as support, counselling or guidance in relation to further conduct could be considered. Formal records of such action should be kept.



Case to Answer

The investigating officer should complete a formal report and arrangements made to move to a hearing.





Criminal Offences

Criminal convictions or charges unrelated to employment against an employee should not be treated as automatic reasons for dismissal or disciplinary action.

Careful and full consideration must be given as to whether the offence is of relevance to the individual's employment, or if the offence makes the employee's presence in the workplace unacceptable to colleagues and/or clients of the Council.

The Line Manager will decide whether matters proceed as outlined above. In such cases, advice should be sought from KMBC- Employee Relations team.

Further advice may be sought from the Director of Customer and Employee Services and/or Legal Services or the Local Authority Designated Officer for Child Protection depending on the seriousness of the matter.

In the case of a conviction that results in an employee being imprisoned, as full and thorough an investigation as is possible will be undertaken.

Employees who are imprisoned will not be entitled to salary/wage payments, as they are not available for work. In such circumstances it is possible for the matter to proceed to a disciplinary hearing in the employee's absence. The employee will be entitled to be represented at any hearings conducted under this Procedure.

Any evidence provided by the police may be submitted at any proceedings conducted within this Procedure and Police Officers may be invited to attend disciplinary hearings as witnesses.

As stated in the ACAS Code of Practice on Disciplinary and Grievance Procedures, an employee should not be dismissed solely because a criminal charge against them is pending, or because they are absent from work as a result of being remanded in custody.

Hearing

Hearing Procedure

1. At the commencement of the meeting the Officer / Member chairing the Hearing will ensure that no unauthorised persons are present.
2. The Investigating Officer[s] will outline the case and their recommendations, together with any documentation he/she is putting to the Panel in support of his/her case. Any such documentation should also be provided to the employee[s] and Trade Union representative in advance of the meeting.
3. The employee or his/her Trade Union representative may ask questions of the Investigating Officer[s].
4. The members of the Panel will then have the opportunity to ask questions of the Investigating Officer[s].
5. The Investigating Officer[s] will call their witness [if any] who will give evidence

and who will be questioned by the Investigating Officer[s].

6. The employee or his/her Trade Union representative may question the witness.

7. The members of the Panel may question the witness.

8. The Investigating Officer[s] may re-examine the witness. The witness will then leave the room.

9. The Procedure relating to the first witness will then be repeated for any further witnesses called by the Investigating Officer[s].

10. The employee or his/her Trade Union representative will then outline his/her case prior to calling his/her witness. Any documentation should be provided to the Panel and the Investigating Officer prior to the meeting.

11. The Investigating Officer may ask questions of the employee/Trade Union representative.

12. The members of the Panel may ask questions of the employee/Trade Union representative.

13. The employee/Trade Union representative will call their first witness [if any] who will give evidence and be questioned by the employee/Trade Union representative.

14. The Investigating Officer[s] may question the witness.

15. The Panel members may question the witness.

16. The employee/Trade Union representative may re-examine the witness. The witness will then leave the room.

17. The Procedure will then be repeated for any further witnesses called by the employee/Trade Union representative.

18. The Investigating Officer[s] will then summarise the case.

19. The employee/Trade Union representative will then summarise his/her case.

20. The Chair of the Hearing Panel will ask the employee and their Trade Union representative whether they feel they have had adequate opportunity to put his/her side of the case to the Panel.

21. All participants will withdraw from the room whilst the Panel deliberates.

22. Either party may be recalled by the Panel to clarify issues. If this is required, both parties will be asked to return to the room irrespective of whether the question is to be asked of only one of the parties.

23. Following the deliberations of the Panel, the decision will be conveyed to the employee as soon as possible. In any event this must be within 5 working days of the Hearing. The decision will be confirmed in writing.



Outcome

In reaching a decision upon any appropriate disciplinary action, the chair of the hearing shall consider the need to act reasonably in all the circumstances and shall take into account the extent of the misconduct or breach as well as the employee's disciplinary and general record, precedent, position, length of service and any other relevant or mitigating factors or special circumstances which might make it appropriate to adjust the severity of the penalty.

Verbal Warning: For relatively minor offences the employee will be given a verbal warning. The warning will be disregarded for disciplinary purposes following the completion of 6 month's satisfactory conduct from the date of the decision.

Written Warning: If a more serious offence is committed, or further minor misconduct occurs or there is no improvement before a warning has elapsed, a written warning should be issued. The warning will be disregarded for disciplinary purposes after the completion of 12 months satisfactory conduct from the date of the decision.

Final Written Warning: If serious misconduct occurs, or the performance of the employee, following the issue of a written warning, remains unsatisfactory, a Final Written Warning may be given. The Final Written Warning will remain on the employee's personal file for a period of 24 months from the date of the decision. The warning will be disregarded for disciplinary purposes after the completion of 24 months' satisfactory conduct from the date of the decision.

Action Short of Dismissal: Action short of dismissal may be considered by the Executive Director or his/her nominee where dismissal would normally be considered, but where there are exceptional circumstances. The following penalties can be used in conjunction with a Final Written Warning and could be either:

[a] suspension without pay for up to 10 days; or

[b] Demotion on a permanent basis to another job with no protection of remuneration.

Summary Dismissal: Gross Misconduct is an act or omission on the part of the employee of such seriousness that the Council is justified in no longer tolerating the employee's continued presence in the workplace and could lead to summary dismissal for a first offence.

Some examples of Gross Misconduct that could lead to summary dismissal for a first offence are; theft; dishonesty; fraud; falsification of records; physical violence or threatening physical violence; serious bullying; harassment of any kind eg. racial or sexual; sexual offences; deliberate damage to Council or other property; serious insubordination including failure to follow a reasonable instruction; misuse of the Council's property or name; serious data breach; bringing the Council into serious disrepute; serious incapability whilst on duty brought on by alcohol or illegal drugs; serious negligence which causes, or might cause, unacceptable loss, damage or injury; serious infringement of health and safety rules or serious breach of confidence (subject to the Public Interest Disclosure Act). This list is not intended to be exhaustive and similar or other serious offences may be considered to be Gross Misconduct.

(It should be noted in this respect that a racist incident shall be defined as any incident, which is perceived to be racist either by the victim or by any other person).



Appeal Process

Any appeal against disciplinary action must be submitted to the Town Clerk or in his absence the Leader of The Council. It must be in writing within 10 working days of the employee receiving written confirmation of the disciplinary action and must clearly outline the reasons for the appeal.

Appeal Hearings will normally be held within two months of the receipt of the appeal. Sufficient notice of the hearing shall be given to enable the employee to be represented at the appeal should they so wish.

Postponement of an appeal hearing shall not be allowed without the express consent of the appeal Chair and the request for a postponement made in writing.

Appeals against dismissal and against action short of dismissal under this procedure will be heard by the Council's Human Resources Appeals Committee with support for a member of KMBC's Human Resources Service.

Appeals against Written Warnings and Final Written Warnings will be heard by the Human Resources Committee.

Appeals against verbal warnings will be heard by the Human Resources Committee.

In all cases of appeal both parties will be requested to submit a Statement of Case detailing the evidence to be presented prior to the hearing.

Only in exceptional circumstances, and at the discretion of the Chair of the appeal hearing, will documentary evidence that has not been included with the Statement of Case be allowed to be submitted at the appeal hearing.

The employee and their representative shall, wherever possible, be advised of the outcome at the conclusion of the appeal hearing. Where this is not possible, the outcome will be communicated in writing within 5 working days of the hearing.

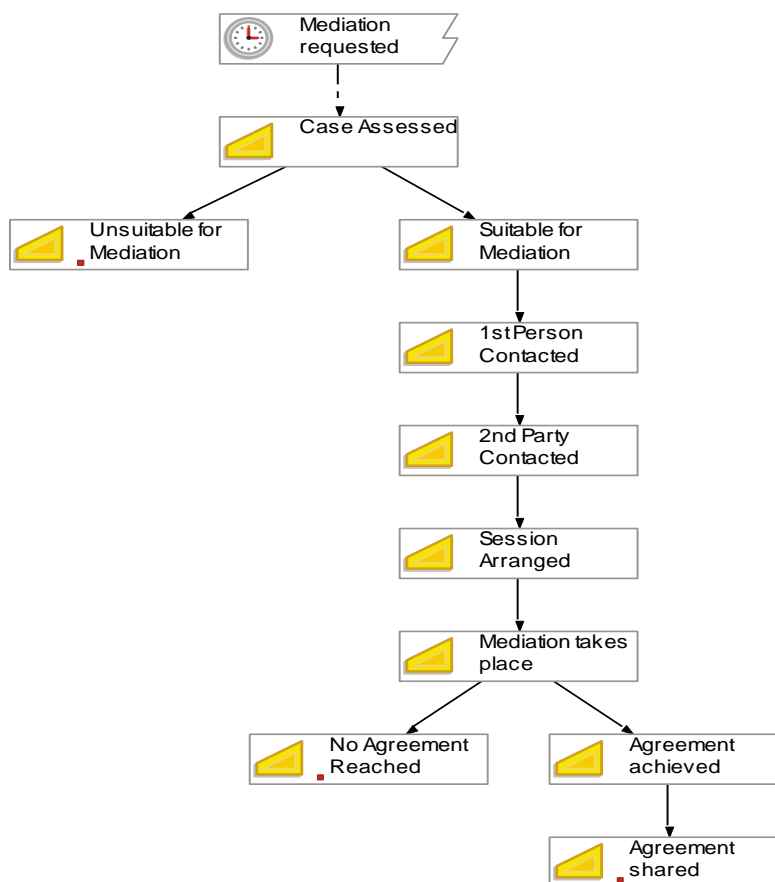
The decision of the appeal hearing shall be final.

Claims for dismissal as a result of perceived discrimination based upon any of the protected characteristics or on the basis of an employee having made a public interest disclosure (whistleblowing) can be brought at any time and are not subject to the two year qualifying period.

4.3 Mediation

- Mediation can provide an alternative mechanism to the use of other formal Council processes such as Dignity at Work and Grievance.
- Mediation is a method used for two (or more) people to resolve a dispute and to arrive at a mutually agreed solution with the support of a trained mediator.
- The Mediation Service is open to all employees, who can either refer themselves or another employee. However, mediation can only take place with the consent of those who are referred. The use of mediation does not preclude the use of other such processes should the mediation fail.

The flow chart below is the overview of the Mediation Process



Mediation requested

Referral to the service is Via the Town Clerk but open access. Employees may refer themselves, or a Manager, or Trade Union representative may suggest mediation. All referrals should be made via the Town Clerk to KMBC Human Resources Service.



Case Assessed

Mediation Service Co-ordinator assesses the case and its suitability for mediation.



Unsuitable for Mediation

Case is considered unsuitable for mediation – Mediation Service Co-coordinator refer to alternative policies or processes.

When is mediation not appropriate, or unlikely to be useful?

- Where the disagreement involves or potentially involves a criminal offence.
- Where there is a risk to the health, safety or well-being to either of the disputants.
- One or both disputants are not committed to resolving their disagreement.
- If either one or both disputants do not voluntarily agree to the use of mediation.
- Where one disputant wants retribution and intends to use mediation for the sole purpose of gathering information to use in other arenas.
- Where one disputant wants an apology rather than an agreement.
- Where one disputant does not feel sufficiently empowered to disagree with mediation (e.g. the other disputant is senior to them, or they are the victim in an alleged harassment case).
- When a decision is required by a higher authority or in relation to KMBC's statutory obligation or duty of care.
- Where the disagreement involves misconduct under the Council's Disciplinary Procedure.

If a referral is not accepted, because it is assessed as being unsuitable for mediation, then information on alternative services and other Council procedures that may be more appropriate will be offered to the referrer. These could include, among other things, Occupational Health, Employee support, a Training/Development course, the Dignity at Work process, the Grievance Procedure, Disciplinary Procedure and Confidential Reporting contained within this Policy. This is not intended to be an exhaustive list.

Suitable for Mediation

Case is considered suitable for the mediation process – mediator identified and assigned to the case.

The Mediation Service Co-ordinator who deals with the referral will complete the Referral Form at Appendix 2.

When completing the referral form, the Co-ordinator will obtain the work place address of each of the disputants and, where necessary, the respective home address of each. The Co-ordinator will also discuss the case with the referrer to assess its suitability for mediation. They may choose to meet with both disputants in addition to this.

GUIDANCE ON SUITABILITY OF CASES FOR MEDIATION

The Mediation Service is intended to be available as a resource to all Prescott Town Council employees, whatever their status or grade within the organisation.

The role of the Mediation Service Co-ordinators is to assess whether or not cases are appropriate for mediation.

It is expected that most referrals will be accepted for mediation, but it is also recognised that there may be occasions when mediation is inappropriate.

The following is not intended to be an exhaustive or definitive list, but to act as guidance for the Mediation Service Co-ordinators and anyone who wishes to refer a case for mediation.

When is mediation appropriate and likely to be useful?

The more of the following that apply, the more likely that mediation is appropriate:

- The disputants both voluntarily want to use mediation to resolve their disagreement.
- Both disputants wish to end their disagreement.
- There is a strong emotional element complicating the issues.
- The disputants know each other.
- It is important to maintain a relationship between the disputants.
- The disputants work together and the conflict cannot be avoided.
- The disputants cannot work through their conflict alone.
- One or both disputants feel uncomfortable communicating with the other without the presence of a third party.
- One or both disputants wish to avoid formal procedures.
- A decision or end to the conflict must be reached.



Mediator contacts 1st person

Mediator makes first contact - 1st party – discusses mediation process and confirms disputant agreement to the process.



Mediator contacts 2nd Party

Mediator makes first contact 2nd party – discusses mediation process and confirms disputant agreement to the process.



Session Arranged

Mediator arranges session.

Mediator completes a Mediation Case Form (see Appendix 3), invites the two parties to attend by sending a Mediation Letter (see Appendix 4) and ensures that the two parties sign a statement of confidentiality (see Appendix 5).



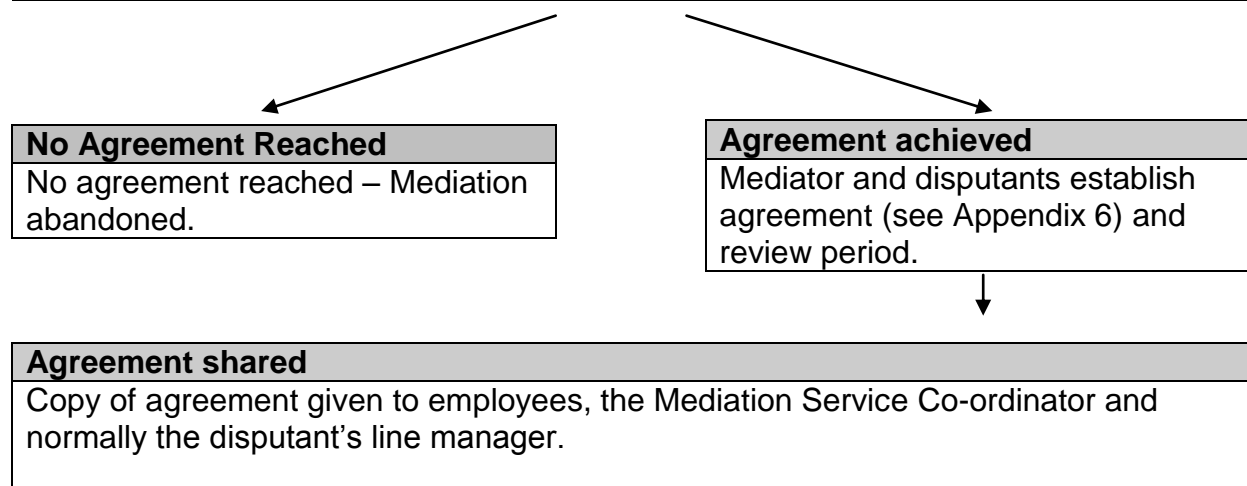
Mediation takes place

STRUCTURE OF THE MEDIATION SESSION

All mediation sessions will be based upon the following format. This structure and the detail of each stage will be explained to both disputants several times before the mediation session takes place, so as to familiarise and prepare them for the session.

This may be done by the Mediation Service Co-ordinators as well as the mediator.

- Stage 1 Opening statement
- Stage 2 Uninterrupted time (first person)
- Stage 3 Uninterrupted time (second person)
- Stage 4 The exchange
- Stage 5 Setting the agenda
- Stage 6 Building the agreement
- Stage 7 Closing statement



4.4 Grievance

The Council recognises the right of employees to raise legitimate concerns, from time to time, about their work or the environment within which they work. The Grievance Process seeks to provide a mechanism, which allows an employee the opportunity to raise such concerns and for those concerns to be responded to speedily and in a confidential manner. The causes of employee dissatisfaction can be linked to either poor communication, consultation or the misinterpretation of policies and procedures. A key element of this Process is the recognition of these facts, at an early stage.

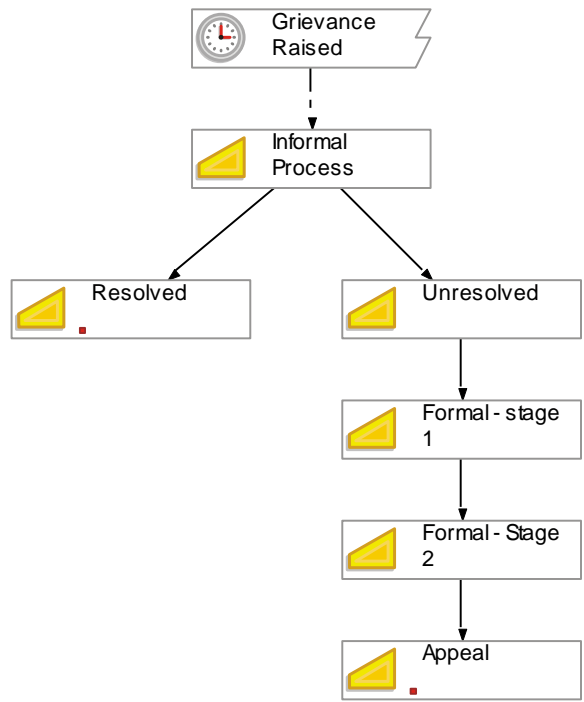
Employees should aim to settle most grievances informally with their line manager or if the issues relate to the line manager to a more senior manager. Many problems can therefore be raised and settled during the course of everyday working relationships.

Where a grievance is serious or an employee has attempted to raise a problem without success, the employee should raise it formally with management.

Employees also have the right to be accompanied by a trade union representative or a colleague at any meetings.

Through this process, the Council will promote orderly employment relations as well as fairness and consistency in the treatment of individuals. As such it is important to establish timescales for dealing with any issues within this process and to keep to them. On that basis all parties should seek to minimise delays. Any variance from stated timescales should be explained in writing.

The flow chart below is the overview of the Grievance Process



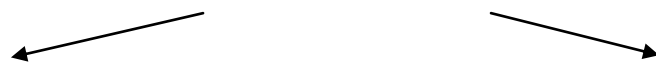
Grievance Raised

Issues which can be raised under this process include:

- terms and conditions of employment [not grading];
- health and safety;
- working practices;
- organisational changes; and
- treatment at work.

Informal Process

Employees should aim to settle most grievances informally via discussion and agreement with their line manager. Many problems can therefore be raised and settled during the course of everyday working relationships.



Resolved

Resolved - Case closes.

Unresolved

If the matter cannot be resolved informally, the employee can raise the matter formally. To do so, the employee must give details of the grievance in writing and must provide the resolution sought by the employee.

**Formal - stage 1**

The formal grievance officer will be appointed to investigate the grievance. This will be done by interviewing the employee and any other appropriate parties. The investigation will be concluded without undue delay.

A decision will be conveyed to the employee and confirmed in writing. If the employee remains aggrieved he/she can apply for the matter to be heard by the Councils Human Resources Committee. This must be done within 10 days of receiving written confirmation of the decision.

**Formal - Stage 2**

The Human Resources Committee will review the decision and may choose to interview the employee and any other appropriate parties again. Any investigation will be concluded without undue delay.

A decision will be conveyed to the employee and confirmed in writing. If the employee remains aggrieved he/she can apply for the matter to be heard by a Grievance Panel of Elected Members (not formed by members of HR Committee). This must be done within 10 days of receiving written confirmation of the decision.

**Appeal**

In all cases of appeals before Elected Members, both parties will be requested to submit a Statement of Case detailing the evidence to be presented prior to the hearing.

Only in exceptional circumstances, and at the discretion of the Chair of the Appeal Hearing, will documentary evidence that has not been included with the Statement of Case be allowed to be submitted at the appeal hearing. The decision of the appeal hearing shall be final.

4.5 Collective Disputes

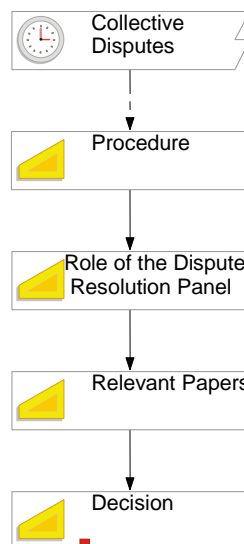
A collective dispute (or a “trade dispute” as it is known in law) can involve matters in dispute such as terms and conditions of employment, physical working conditions, engagement, termination, duties of employment, allocation of work, discipline for a group of employees.

Employees should aim to settle most disputes informally with their line manager. Many problems can therefore be raised and settled during the course of everyday working relationships.

Where a dispute is serious or an employee has attempted to raise a problem without success, the employee should raise it formally with management.

Whilst the majority of issues are resolved through discussion between the manager and the employees disagreements or disputes can and do occur.

The flow chart below is the overview of the Collective Disputes Process



Collective Disputes

1. GENERAL

1.1 No item will be submitted for the consideration of the Dispute Resolution Panel unless it has first been the subject of joint discussions between the appropriate management and the employees' side.

1.2 Every effort will be made to deal with collective differences as speedily as possible and if the matter has not been dealt with within a period of fifteen working days at any stage of the procedure, the issue will then proceed to the next stage.

1.3 Where any difference is, or is appropriate to being dealt with, under this procedure, the status quo shall apply, and no action will be taken by either side which might prejudice the outcome of any settlement afforded by this procedure.



Procedure

2. PROCEDURE

2.1 In the first instance, the problem should be discussed by the Trade Unions and by Council representatives.

2.2 Where there is a continuation of the failure to agree, and/or where a matter requires a Council decision, the problem should be referred to a Dispute Resolution Panel supported by KMBC – Employee Relations Team. Other members may be included on the panel as and when it is considered appropriate. The Panel shall be quorate in the event that any two Members are in attendance.

2.3 The proceedings and decision of the Dispute Resolution Panel will be reported to the Council for information and any approval which may be necessary.

2.4 Where the Council is disposed to refuse or substantially amend any firm recommendations referred to it by the Dispute Resolution Panel, the item will be referred back to the Dispute Resolution Panel with the reasons for such reference back.

2.5 Differences which still exist after the Dispute Resolution Panel [and as necessary the Council] have given full consideration to them shall stand referred to the Provincial Council Joint Secretariat, if appropriate.

2.6 No item will be submitted for consideration by the Dispute Resolution Panel unless it has first been the subject of joint discussions between the appropriate Officers and the employees' side.

2.7 This procedure relates to the settlement of collective grievances and should eliminate the necessity to withdraw labour, or impose sanctions prior to any settlement.



Role of the Panel

3. ROLE OF THE DISPUTE RESOLUTION PANEL

3.1 The Panel comprises Members of the Council [appointed for the purpose] and is assisted by an Officer of the Human Resources Service from KMBC.

3.2 Differences/a grievance will only be referred to a Member Panel where, following joint discussions between the appropriate Officers, employees and the employees' side, there is a failure to agree.

3.3 The purpose of the Panel is to consider the detail of the difference/grievance and make recommendations to resolve the problem which are acceptable to both sides and to the Council.



Relevant Papers

4. RELEVANT PAPERS

4.1 Written Submission

To enable the Panel to give its full consideration to the problem the following information needs to be prepared by both sides and a written statement produced for circulation to all parties involved one week prior to the meeting.

Each sides statement of case should contain:

- [a] the terms of the grievance
- [b] the history of the grievance
- [c] submission
- [d] conclusion

Where possible, there should also be a statement detailing any factual information which has been agreed to by both sides.

4.2 Oral Submission

The oral submissions are presented in the following order:

- [a] the Trade Union side
- [b] the Management side

This will be followed by questions from the Panel to either party plus questions from either party to the other.

In summing up, the Trade Union side has the final right of reply.

The aim of the oral submission is for each party to develop and support the arguments put forward in their statement of case. It should not repeat the written submission line by line.

In summing up, each party's statement should be short, to the point and cover the main points of the submission.

New evidence/material [not covered in the written statements] may not be introduced during the oral presentation or in summing up.



Decision

5. DECISION

The parties may be asked to retire and wait whilst the Panel reach their decision. They will be orally informed of the decision which will then be confirmed in writing.

Alternatively, the Panel may wish to consider the matter over a longer period and will, in these circumstances, confirm their decision in writing within 5 working days of the hearing.

4.6 Employee Capability

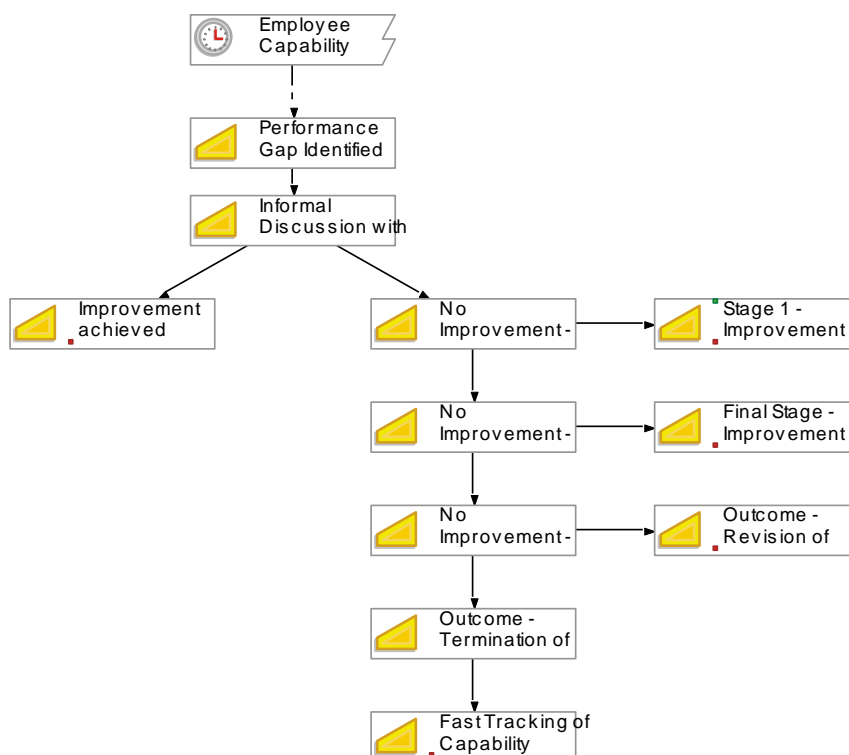
If an employee does not meet the performance measures and standards required for their job, the Line Manager must determine the reason for the failure. If the reason is due to lack of skill, knowledge or ability the issue will be dealt with as employee incapability. The Process should begin without delay once a problem is identified.

The performance requirements for all employees are agreed through the PR&D, See PR&D Scheme, Guidance Completing PR&D Template and Guidance on Managing Employee Performance (See Appendix 7).

The aim of this Process is to improve the employee's performance to an acceptable level and for this to be sustained.

Employees also have the right to be accompanied by a trade union representative or a colleague at any meetings.

The flow chart below is the overview of the Employee Capability Process



Performance Gap Identified

When a performance gap is identified and it is determined that the gap is due to the employee's capability then the procedure for dealing with Employee Capability should be instigated immediately.



Informal Discussion with Employee

The Line Manager should discuss the matter informally with the employee, and clear guidance should be given to the employee as to where they are failing to cope adequately with their work and what is expected of them in the future.

The employee should be offered such advice, encouragement and support as appropriate and practicable to enable them to effect an improvement within a reasonable period [this should not exceed 3 months].

The Line Manager should document all discussions.

The employee will be informed at this stage that if there is no improvement during the review period the formal stage of the Procedure may be invoked. If, on conclusion of the review period, the Line Manager is satisfied that progress is being made, the process may be modified or terminated in consultation with the employee, without the need to proceed to the formal stages.



Improvement achieved

No Further Action required.

No improvement – Refer to Stage 1

During the Informal Process. No Satisfactory Improvement Achieved.

If there is no satisfactory improvement in performance, the Line Manager will arrange to interview the employee under Formal Stage One.

The details of the meeting will be confirmed in writing.

During the review period [which should not exceed 3 months], the employee's performance will be monitored and meetings held as frequently as appropriate, bearing in mind the nature of the duties, the extent of the improvement sought and the length of the review period.

Stage 1 - Improvement Achieved

Following stage 1 - improvement achieved, no further action required.



No Improvement - refer to Final Stage

If the required improvement in performance has not been achieved, a further review period will be established, this is normally referred to as the Final Review Period [which should not exceed 3 months].

The same process as Formal Stage One should be followed but the employee should be informed that if the required improvement in performance is not achieved his/her employment may, subject to the consideration of alternative employment, be terminated. This should be confirmed in writing as soon as possible.

Final Stage - Improvement

Following final stage - improvement achieved, no further action required.

No Improvement - Refer to Hearing



If the required improvement in performance has not been achieved on the conclusion of the Final Review Period, a hearing will be convened by the Service Director [or other nominated officer].

If a decision is made that the employee can no longer remain in their current position, before issuing notice of termination, consideration will be given to either altering the level of the employee's duties and responsibilities on a permanent or temporary basis, or offering suitable alternative employment.

The outcome of this meeting will be confirmed in writing. Employees will have the right to appeal against any warning given or other decision made under the formal stages of this Procedure.

Outcome - Revision of duties/grade

Consideration will be given to either altering the level of the employee's duties and responsibilities on a permanent or temporary basis, or offering suitable alternative employment.

Outcome - Termination of employment

If a decision is made that the employee can no longer remain in their current position, and consideration has been given to either altering the level of the employee's duties and responsibilities on a permanent or temporary basis, or offering suitable alternative employment and this is not acceptable, the employee's employment will be terminated.

Please Note: The length of continuous service which an employee requires to bring an unfair dismissal claim increased with effect from 6 April 2012. Employees appointed on or after that date will need to complete two years' service to be able to bring an unfair dismissal claim.

Employees should note that the previous Regulations will still apply in their entirety to employees recruited on or before 5 April 2012.

Whilst the Government envisage this change encouraging employers to recruit new employees, claims for dismissal as a result of perceived discrimination based upon any of the protected characteristics or on the basis of an employee having made a public interest disclosure (whistleblowing) can be brought at any time and are not subject to the two year qualifying period.



Fast Tracking of Capability Procedure

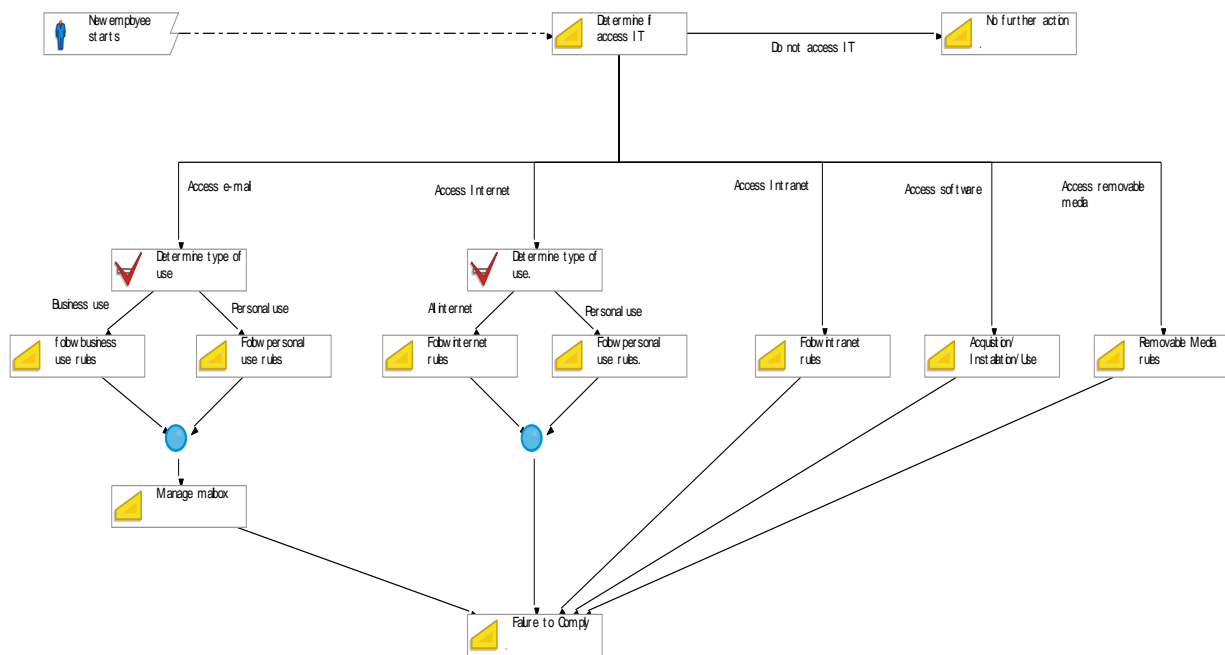
In exceptional cases, where it can be clearly demonstrated that there is no possibility that the employee can respond to formal warnings and achieve an acceptable level of performance, the guidance in appendix 12 will apply.

4.7 Acceptable use of IT Protocol

There are many benefits to IT but the increased flexibility inherent in the use of IT facilities leads to increased personal responsibility for the user to ensure that the equipment is always used within appropriate guidelines. This Acceptable Use of IT protocol is designed to reduce the risks and protect you, the Council and its information. The protocol will provide guidance on the appropriate use of the Council's IT facilities, and to provide information on the types of use that may be considered inappropriate.

The protocol applies to all employees of Prescot Town Council and to all other persons working for the Council who have access to, or use of, the Council's IT facilities and equipment, and the term "employee" in this context is intended to include all such persons.

Employees must be aware that non compliance with the protocol may place the Council's IT infrastructure and the data contained within it at serious risk and may lead to disciplinary action or other equivalent sanction. This may include dismissal or equivalent action where the breach is considered to be sufficiently serious. In certain cases where a criminal offence is suspected, this may be referred for investigation by the police. Acceptable use of IT Protocol flow process diagram.



New employee starts

Determine if access IT

2. GENERAL PRINCIPLES

The general principles apply to ALL aspects of the use of the Council's information technology services. They should be read and understood by all employees using any aspect of the Council's information technology service.

2.1 Offensive and/or inappropriate content

As an employee of the Council I understand that I must:

- Notify my manager or the HR service if I receive any form of electronic communication that I consider is, or could be interpreted as, unlawful, offensive or inappropriate;
- Consult my line manager if I am unclear about the appropriateness of any material.

As an employee of the Council I understand that I must NOT:

- Communicate material (either internally or externally) which is, for example, defamatory, obscene, racist, or which could reasonably be anticipated to be considered inappropriate or offensive.

2.2 Data Protection and Freedom of Information

As an employee of the Council I understand that:

- Email and other forms of electronic communication may be considered to be recorded information from the Council and could be subject to disclosure to third parties under the Data Protection Act 1998 or the Freedom of Information Act 2000;
- Even if emails are deleted from Council systems, they are recoverable for up

to 12 months through IT backups and can be restored for subsequent disclosure and evidence;

- Data stored on local disk drives (C:/ drive) of a PC/laptop are not backed up and may be lost if the hard disk develops a fault.

As an employee of the Council I understand that I must:

- Comply with the data protection principles, which include a requirement that computer systems are secure;
- Maintain the same standards of confidentiality when working on material or documents in the workplace or elsewhere (including at home);
- By default, save all data (including word documents and spreadsheets) to the appropriate fileservers;
- Only use encrypted portable storage devices (including laptops);
- Ensure that any electronic data authorised to be shared with a third party is undertaken in a secure manner approved by the IT Service.

As an employee of the Council I understand that I must NOT:

- Store data on unencrypted portable / removable storage devices (inc. laptops, USB drives etc.);
- Allow third parties to access any Council information without confirming that they are authorised to have such access.

2.3 IT Equipment

As an employee of the Council I understand that:

- All IT equipment is provided primarily for Council business use;
- All IT equipment purchased by the Council remains the property of the Council until it is formally written off and the IT Service informed.

As an employee of the Council I understand that I must:

- Arrange all movements and redeployment of IT through the IT Service Desk;
- Notify my line manager, the IT Service Desk and the Insurance Team immediately if any IT equipment is lost or stolen;
- Return IT equipment to my line manager or the IT Service immediately upon request.

As an employee of the Council I understand that I must NOT:

- Connect any non-Council owned device to the Council's IT network without prior written authorisation from the Head of Information Technology (this includes devices owned by consultants, contractors and suppliers).

2.4 Virus Transmission

As an employee of the Council I understand that I must:

- Report any suspicious messages and/or files to the IT Service Desk.

As an employee of the Council I understand that I must NOT:

- Attempt to change any administration settings on computers that I use;
- Transmit by any electronic means any message, file or attachments which I know or suspect to be infected with a virus;
- Download any software (inc. screensavers) without the prior written approval

of the Head of Information Technology;

- Forward virus warnings (unless requested to do so by the IT Service Desk).

2.5 Copyright

As an employee of the Council I understand that I must:

- Ensure that any material used from the Internet or other sources complies with copyright and other relevant legislation.

As an employee of the Council I understand that I must NOT:

- Use the Council's IT facilities for unauthorised copying or retransmission of recordings from whatever media [including CD and DVD] that may infringe copyright.

2.6 Breach of Confidence

As material can be easily forwarded and copied by the use of IT facilities, a breach of confidence may be more likely to arise.

As an employee of the Council I understand that I must:

- Have in mind the Council's Code of Conduct for all employees when using IT services, in particular when dealing with confidential information or using it for any form of communication;
- Seek guidance from my line manager or head of service if I have any doubts about the use, sharing or transmission of confidential information.

As an employee of the Council I understand that I must NOT:

- Supply the Council's bank details to any person or organisation without prior written authorisation from the Town Clerk. This includes all aspects of e-commerce.

2.7 Contractual Relations

Provided that an external party reasonably believes that an employee has the authority to negotiate, or enter into, an agreement, then the Council will be bound by the employee's actions. Emails and other electronic communication made by employees can be acknowledged as originating from the Council; therefore, recipients will in most cases be acting reasonably if they assume that they are sent with the Council's authority.

As an employee of the Council I understand that I must:

- Exercise care when using electronic communication with external parties;
- Ensure that I am authorised to enter into any actual or implied contractual agreement.

2.8 Obscene Material

As an employee of the Council I understand that:

- The publication of obscene material is a criminal offence; the definition of "publication" includes electronic storage or transmission of material and therefore, I must not publish such material.

2.9 Personal Use

As an employee of the Council I understand that I must:

- Only use Council IT equipment for personal matters in my own time;
- Consider the volume of personal files stored on local drives; in particular media files - 1 Gigabyte of disk space is deemed an appropriate limit for personal files;
- Comply with copyright, data protection and other relevant legislation if using Council IT equipment for personal matters.

As an employee of the Council I understand that I must NOT:

- Store excessive amounts of personal files on any Council computer (i.e. more than 1Gb);
- Store any personal files on the Council's fileservers;
- Undertake any actions on Council IT equipment which may bring the Council's name into disrepute.

2.10 Private or Third Party Business Use

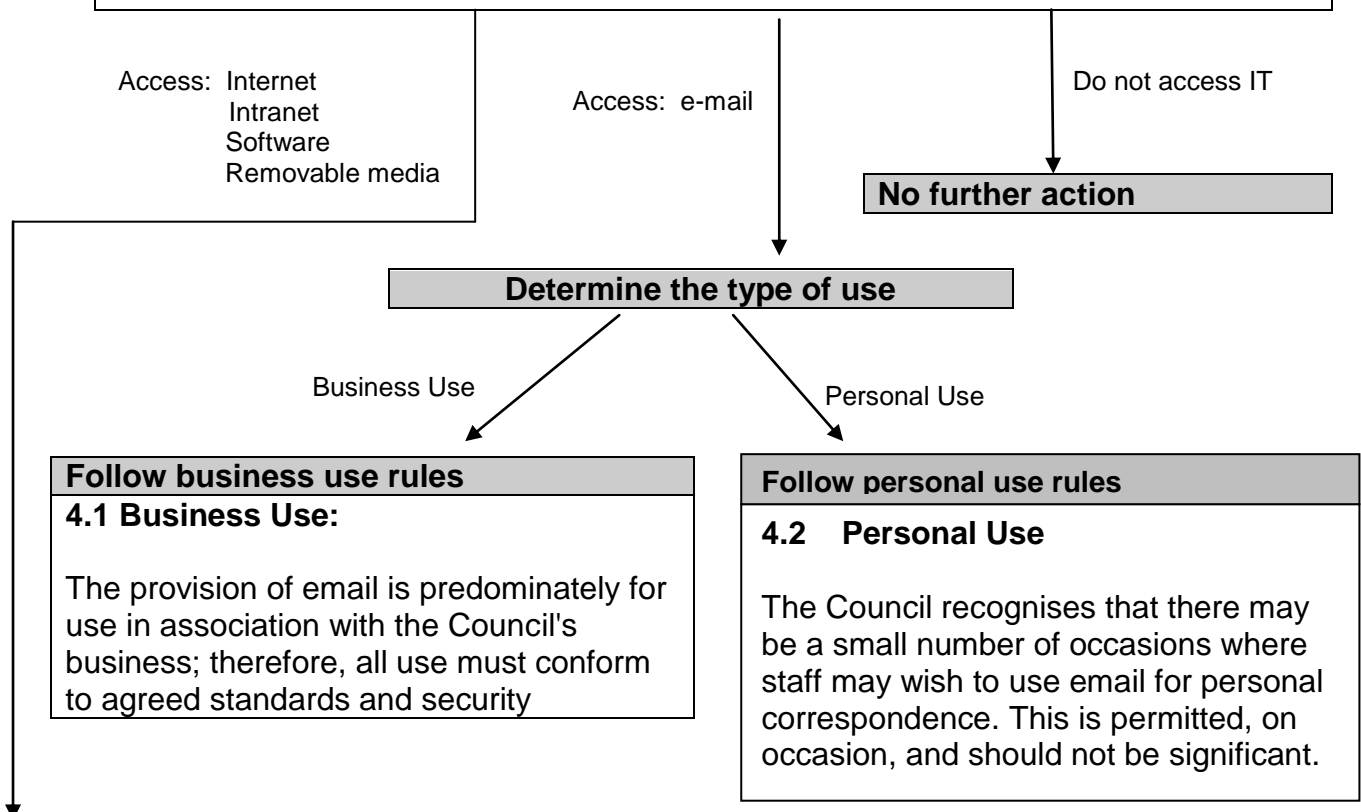
As an employee of the Council I understand that I must NOT:

- Under any circumstances use Council IT facilities in relation to any private or third party business;
- Use Council IT facilities in relation to personal work with charities (e.g. youth organisations) without prior approval from my line manager.

2.11 Other Policies and Protocols

As an employee of the Council I understand that I must:

- Follow other relevant policies and protocols when using IT equipment. These include, but are not limited to, the [IT Security Guidance](#) and [Information Governance Guidance](#).



requirements.

As an employee of the Council I understand that I must:

- Understand the general principles for the use of IT;
- Comply with the 'use of email - guidance for employees';
- Consider the legal considerations, outlined in the general principles (above), prior to sending emails;
- Use officially provided email addresses to send all business related emails. Officially provided email addresses include "@prescot-tc.gov.uk",
- Comply with the Data Protection Act) for any data being transferred, especially when transfer is outside of the European Economic Area (EEA);
- Ensure that all recipients of an email are entitled/authorised to view the contents;
- Seek advice from my line manager, head of service, the HR Service or the IT Service if I have any queries about business use of email.

As an employee of the Council I understand that I must NOT:

- Send or forward business emails or electronic files of any sort to my home email address;
- Send emails to people if I am unsure if they are entitled/authorised to see the content;
- Use Council email facilities for the transmission of unsolicited commercial or advertising material, chain mail or other junk-mail of any kind to colleagues or any other organisation;
- Create or transmit anonymous messages, i.e. without clear identification of the sender;
- Create or transmit material which could bring the Council or its partners into disrepute;

As an employee of the Council I understand that:

- Personal emails are subject to the same monitoring as business emails and are recoverable for up to 12 months after deletion through IT backup systems.

As an employee of the Council I understand that I must:

- Undertake personal use in my own time;
- Ensure that such use is lawful and complies with the Council's other policies;
- Ensure that personal use does not have a negative impact on the Council or its partners;
- Add the following disclaimer to all personal emails sent from Council email facilities:
- "This email is personal. It is not authorised by, or sent on behalf of, Prescot Town Council. This email is the personal responsibility of the sender."

As an employee of the Council I understand that I must NOT:

- Allow email use to interfere with performance or priorities of my or another person's duties;
- Conduct any form of private or third party business using the Council's email service;
- Send excessive emails or large attachments;
- Use business email addresses to register for personal websites (for example banks and online shopping), personal use of social networking sites or to confirm orders for personal goods or services;
- Use secure email services (e.g. GCSx and Egress) to send personal emails.

- Send emails to large distribution groups without the authorisation of my head of service;
- Send emails with large attachments without a legitimate business reason (5Mb is classed as large).



Manage Mailbox

4.3 Mailbox Management

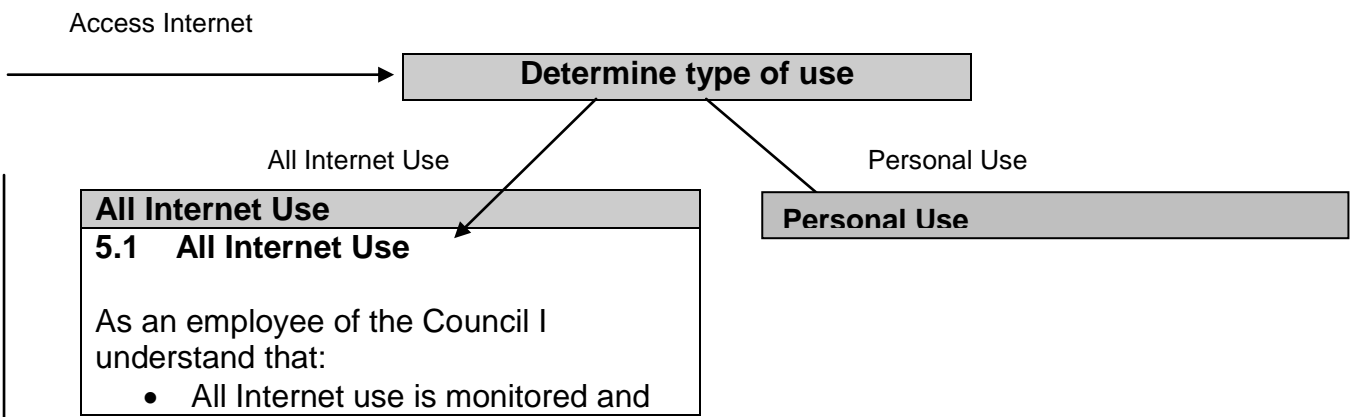
To ensure that emails can be received and sent efficiently it is important that some basic email management processes are adopted.

As an employee of the Council I understand that I must:

- Use the standard 'out of office' function when I am unable to access my email for more than 24 hours, excluding weekends and bank holidays;
- "Thank you for your email. I am currently out of the office until [insert date]. I will respond to all emails upon my return. If the matter is urgent please contact [insert name and contact details of colleague or team to be contacted in your absence.]";
- Archive old emails and calendar appointments and keep mailboxes within agreed size limits;
- Refer to the specimen retention schedule or management retention schedule when archiving old emails and calendar appointments;
- Delete transitory and non-Council emails as soon as possible after the email has been sent and/or received.

As an employee of the Council I understand that I must NOT:

- Grant delegate access to my mailbox to anyone who does not have a legitimate business need to view all content that maybe received to it or contained within it;
- Exceed agreed mailbox limits as this may prevent the future receipt of emails and/or sending of emails.



recorded by date, time and websites accessed;

- Filtering software is also used to protect the Council's information technology network, data and reputation;
- Attempts to access restricted sites will lead to a 'red hand' screen being displayed, a record will be made of the event and that all such occurrences must be reported;
- Attempts to access Internet sites that may constitute a security threat or sites that have not been assigned a category will be blocked by either a 'blue hand' or 'green hand' screen which requires no further action;
- My Internet access will be identified in the outside world as having originated from the Council, and therefore inappropriate use may bring the Council or its partners into disrepute;
- The Council has introduced quotas to manage access periods to some categories of internet sites. These quotas have been agreed with senior managers and where applicable websites have been re-categorised as required for core service provision.
These new arrangements will allow 60 minutes access to such "none work" sites between the hours of 7am and 7pm Monday to Friday.

As an employee of the Council I understand that I must:

- Report all occurrences of a 'red hand' screen to my line manager immediately;
- Gain prior written approval from the Head of Information Technology if there is a legitimate reason (e.g. IT support/audit) to breach any of the "must NOT" parameters below;
- Seek authorisation from the Town Clerk before I subscribe to, enter

5.2 Personal Internet Use

The Council recognises that there may be a small number of occasions where staff may wish to use the Internet for personal purposes. This is permitted, on occasion, and should not be significant.

As an employee of the Council I understand that:

- All Internet use is monitored and recorded by date, time and websites accessed;
- Filtering of Internet sites applies to all use, including personal use;
- The Council is not responsible for any personal transactions that I enter into (for example in respect of the quality, delivery or loss of items ordered);
- All personal usage must be in accordance with relevant policies;
- My computer and any data held on it are the property of Prescott Town Council and may be accessed at any time by the Council to ensure compliance with all its statutory, regulatory and internal policy requirements;

As an employee of the Council I understand that I must:

- Undertake personal use in my own time;
- Ensure that such use is lawful and complies with the Council's other policies;
- Ensure that personal use does not have a negative impact on the Council or its partners;

or utilise social networking sites in relation to any role in Council.

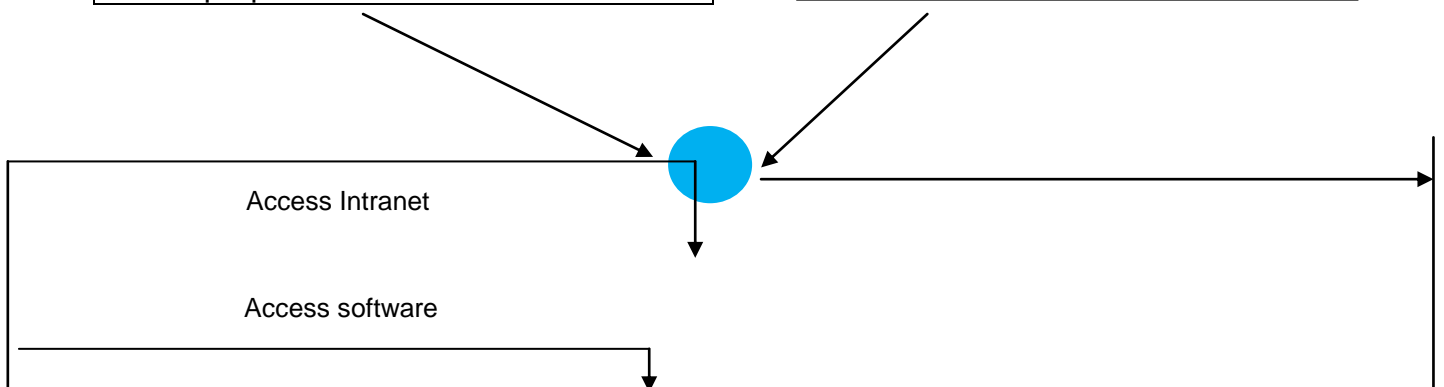
As an employee of the Council I understand that I must NOT:

- Knowingly attempt to access an Internet site that may contain pornography or other "unsuitable" material that might be deemed illegal, obscene or offensive;
- Create, download or upload material that contain pornography, illegal or other "unsuitable" material that might be deemed illegal, obscene or offensive;
- Subscribe to, enter or use peer-to-peer networks or install software that allows sharing of music, video, computer programs or image files;
- Subscribe to, enter or use online gaming or betting sites;
- Subscribe to or enter "money making" sites or enter or use "money making" programs;
- Use Council Internet facilities to run a private business;
- Download any software without the prior written consent of the Head of Information Technology;
- Stream live sports events or concerts as this can present a security risk and impact on network performance;
- Watch live television broadcasts via the Internet unless the building I am in has a valid TV Licence and I have been authorised to watch such broadcasts for business purposes.

- Keep the Council protected against, any claims, damages, losses or the like which might arise from any transaction;
- Seek advice from my manager if I am in any doubt about how I should use the Internet for personal purposes.

As an employee of the Council I understand that I must NOT:

- Allow personal Internet use to interfere with performance or priorities of my or another person's duties;
- Use Council Internet services to conduct any form of work for a third party or private business regardless of whether it is for reward or not;
- Imply in any way that I am acting on behalf of the Council;
- Use business email addresses to register for personal websites (for example banks and online shopping), personal use of social networking sites or to confirm orders for personal goods and services;
- Use a business address to support personal orders or as the delivery address for online orders.



Software Acquisition/Installation /Use

6.1 Acquisition / Installation / Use

As an employee of the Council I understand that:

- All IT equipment is provided primarily for Council business use.

As an employee of the Council I understand that I must:

- Obtain approval from the IT Service for all software that is purchased and/or installed on Council computers;
- Purchase all software through approved suppliers;
- Ensure that I have a valid and appropriate licence for all software that I use;
- Register all software in the name of Prescott Town Council and not an individual;
- Pass all software source materials (CDs, tapes etc) to the IT Service for safe storage;

- Report any suspected software misuse to the Town Clerk

As an employee of the Council I understand that I must NOT:

- Download any software from the Internet (including Google applications, iTunes etc);
- Install any software from any source without the written consent of the Head of Information technology (this includes evaluation and shareware software);
- Use any personal software on a Council computer;
- Make copies of any software licensed to the Council;
- Use any software purchased by the Council on any non-Council computer;
- Develop any software applications (including MS-Access) without the prior written approval of the Head of Information Technology.

Access removable media

Removable Media Rules

7. REMOVABLE MEDIA

The Data Protection Act (1998) requires that the Council has appropriate technical and organisational measures in place to protect against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Removable media can hamper compliance with the Act and place information at risk.

Removable media devices include, but are not restricted to the following: CDs; DVD's; Optical Disks; External Hard Drives; Media Card Readers; USB Memory Sticks (also known as pen drives or flash drives); Embedded Microchips (including Smart Cards and Mobile Phone SIM Cards); MP 3 / video Players (inc. iPods); Digital Cameras.

7.1 All Use of Removable Media

As an employee of the Council I understand that I must:

- Comply with the data Protection Act when transferring data to removable media and seek appropriate advice if required;
- Have written authorisation from the Information Asset Owner (service director or head of service) before I copy any Council data/information onto removable media;
- Use encrypted devices for all data/information which has been authorised for transferred to removable media;
- Seek approval from my line manager and the information asset owner prior to burning any data on to CDs/DVD's using permitted computers;
- Keep removable media devices securely;
- Report the loss of any removable media device containing Council data to the IT Service and my line manager as soon as I become aware of the loss;
- Return removable media devices containing Council data for cleansing if I leave the Council or if I am requested to return them at any time;
- Delete all personal/sensitive/confidential information from all unencrypted removable devices - seeking advice from the IT Service if necessary;
- Seek advice from the Council's Corporate Records Manager if I have any queries.

As an employee of the Council I understand that I must NOT:

- Transfer any Council data to an unencrypted removable device.

Failure to Comply

Failure to comply with any element of this guidance will result in the Disciplinary process being instigated.

4.8 Information Security

The information security policy (appendix 11) sets out details of the overarching information security principles for Knowsley Council under which supporting policies should be interpreted, managed and applied.

The policy defines the general principles of information security and it establishes the framework under which each of the information security policy documents must be interpreted, approved, communicated and managed.

4.8.1 Information Security Acceptable Use

The Council has a responsibility to:

- securely manage its own information assets, the information made available to it by service users, residents, business, suppliers, and all information in its care; and

- protect that information from unauthorised disclosure, loss of integrity or availability.

The policy applies to all information (both paper and electronically stored) owned or managed by the Council, which is used directly or indirectly (including through contractors and sub-contractors) to deliver its services.

This policy applies to all employees of Prescott Town Council and to all other persons working for the Council who have access to, or use of, the Council's facilities and/or equipment.

Information is owned by the Council not by an individual employee.

Employees must be aware that non compliance with this policy may place the Council and the information created and/or managed by the Council at serious risk and may lead to disciplinary action or other equivalent sanction. This may include dismissal where the breach is considered to be sufficiently serious. In certain cases a criminal offence may be committed and this may be referred for investigation.

The following principles apply to **all** aspects of the use of the Council's information. They must be read and understood by all employees.

Responsibilities

I must adhere to the corporate information security policy, this acceptable use policy and to any associated procedures. Corporate procedures which need to be followed include:

- Information security guidance document (see appendix 8);
- Protective Marking Scheme (see appendix 9) - especially follow guidance on how to manage and transfer 'protectively marked information' ('RESTRICTED' or 'PROTECT'). High level information on this scheme is provided (see Appendix 10); and
- IT acceptable use protocol (see 4.7).



Protection of Information

I must:

- take reasonable measures to protect the Council's information assets from unauthorised access, disclosure, modification, destruction or interference;
- handle information in accordance with its information security classification;
- follow the requirements in the Protective Marking Scheme to manage protectively marked information; and

- securely manage all information which is sensitive, personal and/or confidential.

These responsibilities are extended outside the Council's premises and outside normal working hours.

I must return all information assets in my possession at the end of my employment with the Council. This includes:

- access passes;
- hardware (laptops, PCs or smart phones);
- physical and logical access tokens (system access tokens, ID badge, keys); and
- Council documents.



Reporting Information Security Incidents

The term 'information security incident' is very broad and includes, but is not limited to, incidents that relate to the loss, disclosure, denial of access to, destruction or modification of our information or information systems.

The following are examples of information security incidents. This is not an exhaustive list.

- Unauthorised access or disclosure of information. This includes sending personal, sensitive and/or confidential information (electronically, by fax or in hard copy), to someone who is not entitled to receive it.
- Theft or loss of IT equipment, paper records, or computer media, for instance CD-ROMs or USB sticks.
- Use of any facilities or systems (both paper and electronic) to engage in fraudulent activities.

I must:

- immediately report any information security incident to the Town Clerk. If my Head of Service is unavailable then I must report it to my specific Service Director or most senior manager available; and
- report all information security incidents whether I think they are trivial or not.

It is compulsory to report all information security incidents. If you feel the need to report this privately the Council has a whistle blowing procedure.



Reporting Information Security Weaknesses

An information security weakness is defined as an event that could lead to an information security incident.

I must report any information security weakness straight away to my Head of Service or most senior manager available.

I must not try to exploit the weakness in any way.

Security of Council Premises

I must:

- wear my ID card at all times within Council premises;
- immediately inform my manager if my ID card is lost or stolen;
- assume responsibility for all visitors, escort them at all times when they are on Council premises, ensure that the visitors log is completed and that visitor passes are obtained and then returned when they leave the premises; and
- ensure that windows are closed and locked when offices are unattended and at the end of the working day.

I must not:

- transfer my ID card to anyone else; or
- let anyone avoid or bypass security by following me or another person through an access control door, unless it is going to cause me physical harm. If you do think that you are going to be physically harmed and a person manages to gain access, inform the Town Clerk or most senior manager available immediately.



Managing Information in the office

I must:

- lock away protectively marked information when not required, especially when the office is vacated;
- only send documents containing protectively marked information using secure print facilities; and
- remove documents containing protectively marked information from the printer immediately.



IT Security Controls

I must adhere to the controls in the IT acceptable use protocol (see 4.7).



Disposal of Information

I must:

- dispose of information securely and safely when no longer required;
- dispose of paper which contains classified information ('Restricted' or 'Protect') by either cross cut shredding or placed in a secure disposal container;
- dispose of all computers (including PCs, laptops and servers) through the Town Clerk; and
- seek advice from the Town Clerk if I am disposing of memory sticks, CDs, and other electronic devices when I have finished with them.

Transferring Information Externally

I must:

- have authority to transfer information externally;
- protect information being exchanged from interception, copying, modification, misrouting, loss and/or destruction;
- only transfer protectively marked information by approved methods;
- take reasonable measures to protect paper documents (if authorised to take outside of the Council's physical environment) against unauthorised access, misuse or corruption;
- take care when using electronic messaging, such as email, to transmit any form of information; and
- ensure I am authorised to send it and/or the recipient is authorised to receive it and that the method of messaging is sufficiently secure to protect the information being sent.

I must not:

- knowingly leave protectively marked information on printing facilities including copiers, printers and faxes; or
- open or respond to individual transactions and/or transmitted information or e-mails if I have any suspicions about them. I must report the matter through my line manager.



Working Remotely

I must:

- have appropriate authorisation to take away Council assets including information, equipment and software from Council premises;
- have explicit approval by my line manager for removing protectively marked information if working remotely;
- give information stored or processed outside of Council controlled locations the same level of protection as that which is worked on internally. This applies to remote access connections used to do work on behalf of the Council, including reading or sending email and viewing internet web resources;
- take all necessary precautions to prevent loss, damage or theft of information in my care;
- ensure that encryption facilities are available and working on the IT equipment I am using once authorised to work remotely on Council equipment;
- synchronise information with the relevant centrally stored information as soon as possible, if information is processed remotely on non-networked systems; and
- follow the Home Working Guidance if I work from home which states: 'Home workers must ensure that all information stored and accessed (including written information and that held on computer) is secure and cannot be accessed by other parties'.

If I must work on Council information in a public place care must be taken to ensure that the work cannot be overlooked or viewed by unauthorised personnel.

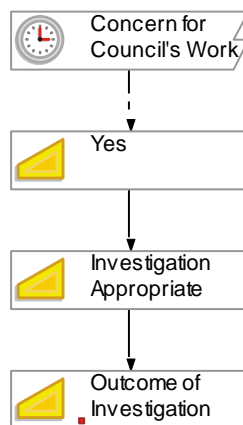
4.9 Confidential Reporting

Standards of openness, probity and accountability are essential within the Council and therefore any employee who has serious concerns about any aspect of the Council's work must feel empowered to come forward and voice those concerns. This may be about something that:

- Is contrary to the Council's Standing Orders and policies; or
- Falls below accepted standards of practice.

Confidential reporting makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage and enables employees to raise serious concerns within the Council rather than overlooking a concern or raising that concern outside the Council.

The flow chart below is the overview of the Confidential Reporting Process



Concerns about the Council's Work

Do you have serious concerns about any aspect of the Council's work?



Yes

Yes - I have concerns about aspects of the Council's work

In the first instance you must raise concerns in writing with your manager and you are encouraged to detail the following: -

- The background and the nature of the concern [giving relevant dates];
- The reason why you are particularly concerned about the situation.

If you do not feel that it is appropriate to speak to your Manager you should raise your concerns using the Council Whistle Blowing Policy



Investigation Appropriate

The person receiving the complaint will decide if an investigation is appropriate. Within 10 working days of a concern being raised the employee will be contacted by the appropriate officer: -

- to acknowledge that the concern has been received
- to indicate how the Council proposes to deal with the matter supplying information on staff support mechanisms, and
- Stating whether further investigation will take place and if not, why not.

It may be necessary to arrange a meeting with the employees at which point the employee can be accompanied by a Trade Union or friend.



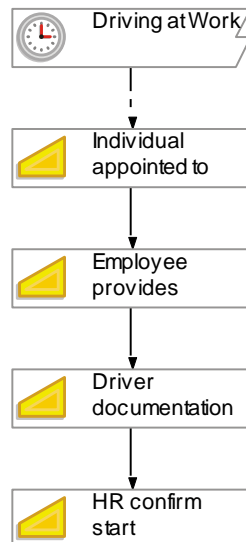
Outcome of Investigation

The outcome for any investigation will be the Employee's Directorate and the Confidential Reporting Panel.

4.11 Driving at Work

All drivers whether employed or volunteers and their line managers are required to help manage and reduce driving related risks.

The flow chart below is the overview of the Driving at Work Process



Driving at Work

Driving is a Requirement of the post as defined by the Directorate.



Individual appointed to post

Manager informs Human Resources Service that a candidate has been successful. Human Resources Service sends the appointment letter that includes the requirements for Driver Information to be provided prior to commencement of employment and includes the corporate car variation form.



Employee provides documentation

Employee brings in documentation prior to commencement of employment.



Driver documentation checked

Driver documentation is checked that:

- Insurance is current and includes Business use.
- The Driving licence is checked for any penalty points.
- The Ministry of Transport (MOT) Test Certificate is checked to ensure that it is current.
- The vehicle Registration document is checked to see if the candidate is the vehicle's keeper, if they are not then they have to be a named driver on the insurance certificate. That the Corporate Car Application Form is completed.

The Driver documentation is checked by Human Resources Service, photocopied and held with the recruitment paperwork.



Confirm start

Town Clerk sends start date letter and Starter form to Payroll.

All documentation is retained onto the employee's personal file within.

4.12 Allegations Management – Allegations made against employees by Young People and / Vulnerable Adults

The Council is a safeguarding authority and as such takes seriously allegations made against employees by children, young people and or vulnerable adults.

The procedures which the Council will follow to deal with allegations of this nature are written in accordance with the guidelines issued by Knowsley Children's Safeguarding Board and Knowsley Vulnerable Adults Safeguarding Board.

In all cases where an allegation is made by a child, young person or vulnerable adult against an employee, a strategy meeting will be convened, by the appropriate safeguarding/ incident officer, and will comprise of a representative from social care, the vulnerable persons unit, the incident/ safeguarding officer and a member of Human Resources Service.

The objective of the strategy meeting is to ensure the safety and wellbeing of the child, young person or vulnerable adult, and will decide whether there are issues of safety and risk. The strategy meeting will discuss whether there is a criminal matter and in which case the police will take the allegation forward, and or whether there is a disciplinary issue relating to inappropriate and unacceptable conduct. Disciplinary issues will be considered under the Council's disciplinary procedure.

5. APPEALS

The appeals process in relation to the different elements of this policy are contained within the relevant guidance.

6. RELATED GUIDANCE NOTES AND APPENDICES

APPENDIX 1

OFFICER CODE OF CONDUCT

APPLICABLE TO:

All Council Employees

1. INTRODUCTION

The NJC Scheme of Conditions of Service for local government services [Part 2, Section 2] refers to official conduct and reads as follows:

"Employees will maintain conduct of the highest standard, such that public confidence in their integrity is sustained".

This Officer Code of Conduct is based on this principle and should assist employees in their day to day work.

Although the Conditions of Service referred to apply only to certain officers, this Code will cover all employees of the Council, although some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others.

The Code itself cannot cover all cases likely to arise in practice, but the principles do. Ultimately, the Council relies on the integrity, common sense and professional judgement of individual employees. It is not enough to avoid actual impropriety. Employees must, at all times, seek to avoid any occasion for suspicion or appearance of improper conduct.

Employees must not hesitate, at any time, to seek advice from the Town Clerk on the interpretation of the Code, or when circumstances arise which it does not cover.

It must be emphasised that the Code is not intended to prohibit all social involvement by the Authority's staff with the outside world. Nor would it be right to restrict private dealings between staff and any particular firm. It is, however, important that any staff must judge the wisdom of their actions not by any comparison with the practices which, no doubt for good reasons, are followed in the private sector, but rather by reference to the traditional public service principles of accountability and responsibility as in the extract from the NJC Conditions set out above.

The principles embodied in this Code are not regarded as exhaustive, either in the examples quoted or the regulation and guidance prescribed.

The Code has been produced to protect employees and the Council. It represents the standard against which the conduct of employees will be judged by the public, elected members and their fellow employees.

It is the responsibility of all employees, without fear of recrimination, to report to the appropriate level of management and/or to the Council's Internal Audit Service any impropriety or breach of procedure.

In any case of doubt about the interpretation of this Code, employees must consult the Town Clerk. The onus is on the employee to seek clarification should there be doubt regarding any particular issue.

2. CORPORATE STRATEGY – STATEMENT OF VISION AND VALUES

The Elected Members of Prescott Town Council are unanimous in their shared vision to improve the quality of life for the inhabitants of Prescott.

Mission

To develop quality services that benefit the Township, improve liaison between all sectors of the community and the Town Council and engender greater community pride through enabling and empowering.

Key Aims

- Provide open Government which is accessible to all.
- Act as the grass roots of local democracy
- Work in partnership with other agencies for the benefit of the community
- Work closely with all community groups in the area for the benefit of all
- To develop services that meet local needs
- To be proactive rather than reactive in our approach
- To preserve, develop and enhance the identity and environment of the area

3. GIFTS, HOSPITALITY AND OTHER FAVOURS

This part of the Code has been divided into three sections for ease of reference: Gifts, Hospitality and other Favours. The guidelines relating to each section, however, apply equally to each other.

3.1 Fundamental Considerations

In the private sector, corporate hospitality and promotions are accepted as part of the normal conduct of business. However, the Bribery Act 2010 creates a criminal offence for commercial organisations failing to prevent bribery and recognises that there is an important role to be played by business itself in ensuring that commerce is undertaken in a transparent manner. Commercial organisations should have their own guidance on appropriate levels and manner of provision of bona fide hospitality and promotional gifts to ensure that their purpose is ethically sound and transparent.

Within local government the burden of responsibility rests with Members and employees, not only to ensure the propriety of all dealings, but also to be able to demonstrate it publicly.

Gifts and hospitality must not be accepted from the same party on a frequent or regular basis, to avoid any concern that proper working relationships are consequently being compromised.

It is impossible to set and adhere to a financial limit on the value of favours which may be regarded as acceptable. Generally any favour accepted should be low in value.

If a favour, particularly in the form of hospitality, proves to be significantly more valuable than expected when it was accepted, this should be reported immediately to Finance and General Purpose Committee.

Whilst many of the favours likely to be offered will be in the form of gifts or hospitality, there is a variety of other favours which may be offered, including loans [preferential or otherwise], works to personal property or holidays, which are likely to be substantial in value, and personal in nature. Such favours must be refused.

Due regard must be paid to the circumstances of any offer of a favour. For example, a working lunch immediately prior to the acceptance of a tender, or the letting of a contract, may be questionable, whereas it could be acceptable during the currency of the contract.

The essential principle is that favours must not affect proper working relationships, or allow concern that they are affecting proper working relationships.

A secretive treatment of favours is much more likely to give rise to concern of impropriety than favours dealt with in the open knowledge of colleagues.

3.2 Statutory and Legal Considerations

Insofar as Members are concerned the Code of Conduct for Elected Members deals with these matters.

In relation to Officers specifically, Section 117(2) of the Local Government Act 1972 states that an Officer shall not, under colour of his/her office, accept any fee or reward whatsoever other than his/her proper remuneration. Any breach is a criminal offence.

Employees must always be aware that the acceptance of inducements is improper and corrupt and is a criminal offence under the Bribery Act 2010. This Act covers the requesting, agreeing to receive, or accepting of an advantage or bribe as well as the offering, promising, or giving of an advantage or bribe to another person.

3.3 Register to be Maintained

To demonstrate the openness and integrity of the circumstances relating to the offer and acceptance of gifts, hospitality or other favours, the Ethics and Culture register is available for officers to record all gifts, hospitality, favours etc offered, detailing the nature of the favour and indicating whether such favours are declined or accepted. Each person will be responsible for entering details of all favours offered to, or accepted by, them in the appropriate formal

declaration record. The Town Clerk will maintain an individual formal declaration record and the Internal Auditor will review the entries.

Registers must be open for inspection at any time, and without prior notice to the following:

- [a] Town Clerk
- [b] Other Staff members
- [c] Monitoring Officer
- [d] Internal Auditors
- [e] External Auditors

3.4 **Gifts**

There are a number of considerations to be taken into account where gifts are concerned. The nature of the gift in terms of value and the motivation of the person giving the gift are the two main issues. A distinction must also be drawn between items which may be used at work, as opposed to gifts of a personal nature which should be refused.

Most firms, as part of their normal commercial activity, distribute gifts which range from the promotional [e.g. calendars, diaries etc] to the more expensive [e.g. wines and spirits]. The more expensive gifts are obviously distributed where they will have the greatest specific impact. Although this may be acceptable conduct to some private organisations or individuals, the requirements of the public sector are very different.

3.5 **Guidance**

- [a] Officers must refuse any personal gift offered to them by any person or firm who has or seeks dealings with the Council.
- [b] The exception to this is modest promotional material of low value such as calendars and diaries which are, in many cases, unsolicited and simply delivered by post. Even here, however, staff must use judgement, and more expensive promotional items must be refused and returned.
- [c] From time to time, staff may find themselves in a position where they have to refuse and/or return gifts. This requires diplomatic handling and staff must not behave in ways which donors of gifts might regard as impolite or unnecessarily critical of a recognised private sector practice.
- [d] It is sometimes acceptable to the giver for a gift which in other circumstances would be refused as in [c] to be donated instead to charity. An arrangement of this sort must only be made with an Executive Director's approval, must be entered in the formal declaration

register, and recorded by letter to the giver indicating that the gift has been donated to charity.

3.6 Hospitality

Contacts established socially can be helpful in the Council's interests. It is therefore appropriate in certain circumstances for the Authority's staff to accept invitations for social involvement with persons or bodies, including those who have, or may seek to have, business dealings with the Council. At the same time it is very easy for such involvement to be misconstrued as providing an opportunity to bring about undue influence and there will, therefore, be occasions when hospitality must be declined.

Where hospitality is offered to staff, it may be accepted where it appears reasonable in all the circumstances to do so. Due regard must be taken as to whether the invitation has been extended to other Officers of the Council or to Officers of similar standing from other public authorities. Where hospitality is offered to one employee only, special caution is needed as an employee alone may be viewed as more vulnerable than a number of employees. However, such "safety in numbers", whilst more likely to demonstrate the principle of openness, must not be seen as absolute protection, particularly where the host is seeking to do business with the Council or to obtain a decision from it.

Hospitality or entertainment is sometimes offered to an official representative of the Council and may be accepted in the following circumstances:

- If the Town Clerk, as Head of Paid Service, or his/her nominated officer, can justify acceptance in the context of fulfilling duties as a representative of the Council; and
- If the extent of the hospitality/entertainment is reasonable, and is likely to be regarded as a normal part of the courtesies of public life.

It is important to avoid any suggestion of improper influence. Again, this is a matter of judgement, and the following examples are intended to give general guidance:

[a] Acceptable

- (i) A working lunch of a modest standard provided to allow the parties to continue to discuss business.
- (ii) Invitation to a society or institute dinner or function.
- (iii) Invitation to take part in company jubilee or other anniversary celebration.
- (iv) Invitation to trade fairs or similar events, where there is a general invitation to customers.
- (v) Invitation to cultural or sporting occasions 'sponsored' by the company concerned.

[b] Unacceptable

- (i) Offer of a holiday, hotel accommodation, or company flat at the company's expense.
- (ii) Offer of theatre tickets or tickets to a sporting occasion etc, except under [v] above.
- (iii) Invitation to personal celebrations (eg: birthday parties) where the invitation is from a person who the employee knows, or should reasonably have been expected to know, has, or would have had, regular dealings with the Council for business purposes, and with whom the employee predominantly has a work relationship or with whom the relationship has evolved primarily through work. In considering this, the employee should think carefully about whether the relationship could be seen to impact on their ability to carry out their role in the Council. (NB In the event that the person has a relationship with you in another capacity (eg close personal friend or relative) then guidance should be obtained in advance from your service director.)

It is generally more acceptable to join in hospitality offered to a group than to accept something unique to the individual. When a particular person or body has a matter currently in issue with the Council [e.g. arbitration arising from a contract or an industrial development proposal], an offer of hospitality must clearly be refused even if in normal times it would be acceptable.

Where an external organisation requires an employee of the Council to visit workshops to inspect plant, etc, it is expected that the organisation concerned would provide reasonable travel expenses.

If an employee is invited to give a lecture in his/her capacity as a Council employee reasonable travel expenses may be retained by the employee but any fee payable must be paid to the Council.

If you are in any doubt as to whether any restriction in this paragraph applies to you at any time you should immediately consult the Town Clerk to discuss the circumstances.

3.7 Favours

It is accepted that favours may often be offered by outside agencies in good faith and to promote a good working relationship and understanding. Constant refusals to accept such offers could impair essential working relationships and possibly create an atmosphere of distrust with a consequential detrimental effect on the business being conducted.

However, it is vitally important to be able to demonstrate that local authority business is conducted with the utmost integrity, without any taint of impropriety or corruption. Accordingly, offers of personal favours by organisations or individuals with whom the Council deals must be treated by employees with

due caution. Favours must not affect proper working relationships, or allow concern that they are affecting proper working relationships.

A distinction must be drawn between favours perceived to be offered as goodwill gestures and those which might be seen to be inducements. Any favour which could be regarded as an inducement to influence the business of the Council in an improper manner cannot be accepted. The offer of any such favour must immediately be reported to the Town Clerk.

3.8 Donations

From time to time, individuals or organisations may wish to make donations to the Council as a gesture of thanks. For example a family may wish to give a cash donation to a service to express their thanks to staff who provided care services to a member of their family or alternatively a business may wish to donate money as a way of giving something back to the community in which they operate their business. It is important that officers do not accept donations personally. Any such offers must be paid into the Council bank account and recorded as a donation. Again, it is vitally important to be able to demonstrate that local authority business is conducted with the utmost integrity, without any taint of impropriety or corruption. Accordingly, offers of personal donations by organisations or individuals with whom the Council deals with must be treated by employees with due caution.

4. PROVISION OF HOSPITALITY BY OFFICERS

These guidelines should be observed whenever hospitality is provided by the Council. For the purpose of these rules, hospitality is deemed to exclude the refreshments normally provided at meetings.

- [a] Any hospitality must be proportionate and reasonable to the occasion.
- [b] Wherever possible, hospitality should be provided on Council premises and, wherever practicable, the services of the Town Hall should be used.
- [c] Generally, only soft drinks should be provided in the work place. Any variation from this guideline should be authorised by the Town Clerk in consultation with members.
- [d] Any hospitality provided at civic events and/or ceremonial events will be at the discretion of the Town Clerk in consultation with members.

5. OTHER EMPLOYMENT

5.1 The attention of employees is drawn to the following paragraph:

Paragraph 71 of the National Conditions of Service relates to 'Wholetime Service':

"Officers above Scale 6 or LC2 shall devote their whole time service to the work of their Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council".

This provision also applies to those officers covered by other Conditions of Service, e.g. JNC for Chief Officers.

Those officers above Scale 6, i.e. senior officers and above, therefore need specific permission to undertake outside work of any kind and this permission must be sought, in writing, from the Town Clerk or Human Resources Committee as appropriate. Each case will be considered on its individual merits.

- 5.2 Although the extract from the Conditions of Service refers specifically to officers, the general guidance applicable to employees at all levels is that they must not undertake any outside work which would put them in a position of conflict of interest with their Council employment. Such a conflict would arise when an employee is to be paid by a member of the public, or any outside organisation or body, for work which is in any way connected with the scope of his/her official duties.
- 5.3 All employees must ensure that they do not undertake any work if their official duties overlap in some way with their proposed work. It is irrelevant whether or not such work is paid for. Any employee wishing to make an application should refer to the Time off Work Policy. If work is undertaken which makes use of materials which are similar to which the employee has access by virtue of his/her Council employment, receipts for the purchase of such materials must always be retained.
- 5.4 No outside work of any sort should be undertaken at the employee's place of work or on any Council premises. Correspondence and telephone calls related to outside interests are not allowed during working hours.
- 5.5 Exactly what constitutes a business can be open to interpretation. The amount of time such an activity occupies, and/or whether additional income is received as a result, are examples of factors to be taken into account in determining this. For the purposes of this Code, a business will be construed as incorporating any work or activity of whatever nature, whether paid or unpaid, undertaken by an employee in connection with any trade, profession, occupation or commercial venture including the purchase and sale of goods and services.

If employees are in any doubt, they must consult the Town Clerk.

6. DATA PROTECTION AND INFORMATION SECURITY

It is vital that all information (both electronic and paper) owned and managed by the Council is adequately protected.

Failure to keep information secure can result in large financial penalties and severe reputational damage for the Council.

Information security and data protection is the responsibility of every single person who works for the Council. You have a responsibility to:

- act in accordance with the information security acceptable use policy and data protection policy;
- protect the Council's information assets from unauthorised access, disclosure, modification, destruction or interference; and
- report any information security incidents.

7. DISCLOSURE OF OFFICIAL INFORMATION

7.1 Employees may receive official information which has not been made public and is still confidential. Such information must not be used for the personal advantage of an employee or his/her family or friends, nor must they pass it to others who might use it in such a way.

7.2 Information must not be disclosed to the press, elected members, or made public without authority. All contact with the press must be made via the Town Clerk.

7.3 Proceedings of Committee

"No Officer shall communicate to the public the proceedings of any committee meeting etc, nor the contents of any document relating to the Council, unless required by law or expressly authorised to do so".

It is recognised that Officers, as part of their normal duties, will have contact with the public concerning committee proceedings. In relation to this paragraph, the Town Clerk will determine which officers are authorised to disclose information.

7.4 Information Concerning Officers

"Information concerning officers' private affairs shall not be supplied to any person outside the service of the employing authority unless the consent of such officer is first obtained".

7.5 Guidance

- (a) Information which is confidential must not be disclosed to third parties except in response to a request from a statutory source, e.g. Inland Revenue, Department of Work and Pensions and, where authorised, from bank managers or building societies. If there is a doubt as to whether information should be disclosed advice should be sought from the Town Clerk.
- (b) Staff are encouraged, when acting in a private capacity, not to comment publicly on the Council's policy or a specific decision. If any circumstances do arise in which staff find it necessary to make public comments, they are expected to exercise prudence, discretion and

properly recognise the fact that there will be grounds for such comment only in exceptional cases, for example:

- (i) recognised trade union officials will from time to time be required to issue statements on behalf of their trade union commenting on a matter relating to the Council;
 - (ii) statements made by staff acting as officials of bodies such as borough Councils and community and professional associations.
- (c) Advance knowledge of any impending Council decision, particularly those relating to investment decisions or proposed developments, must not be used to further private interests.
- (d) All employees must be circumspect in what is said outside the Council about matters going on inside it.

8. DISCLOSURE OF PECUNIARY AND NON-PECUNIARY INTERESTS

8.1 The Local Government Act 1972, Section 117 makes specific provision requiring employees to disclose pecuniary interests, whether direct or indirect, in any contract with which the Council is concerned. The relevant extracts from Section 117 are as follows:

- (a) If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect [not being a contract to which he is himself a party], has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority to the fact that he is interested therein.
- (b) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

8.2 Failure to declare an interest may be a criminal offence

- (a) Section 117 of the Local Government Act 1972 states that employees are required to give notice in writing to the Town Clerk as soon as practicable of any interests under that section.
- (b) There are also areas other than contracts where a pecuniary interest must be disclosed, even though there is no statutory requirement. Remuneration from a firm which has dealings with the Council is a direct interest. If the remuneration were to be paid by the firm to a partner or relative, this would also be regarded as direct interest.

8.3 Guidance

- (a) All members of staff must disclose in writing a relevant pecuniary interest in a contract to the Town Clerk.
- (b) Staff must carefully consider their position to avoid conflict of interest where either there is a direct pecuniary interest but no contract, or they, or their partner or a relative, are receiving remuneration from a firm which is dealing with the Council.

"Remuneration" includes commission, honoraria, dividends, agency fees and interest, as well as salary, wages or fees. "Firm" includes all organisations and individuals.

8.4 Non-Pecuniary Interest

There may be a conflict of interest even where no pecuniary interest or advantage exists or accrues. This covers areas where relationships might be seen to influence judgements and convey the impression of personal motive. A simple example is where a Council employee, who acts as an honorary officer of a voluntary association, is also directly involved during the course of his/her employment with claims for grant from the Council. When such circumstances arise, the employee must advise the Town Clerk in writing of their interest.

Employees must not allow the impression to be created that they are, or may be, using their position to promote a private or personal interest including those of their family and friends as well as those arising through membership of, or association with, clubs, societies and other organisations.

In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him/her. Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustments, for any other employee who is a partner or relative. Equally, the canvassing by an employee of Members or Officers of the Council for themselves or anyone else in relation to a job appointment is strictly prohibited and will lead to the automatic disqualification of the person concerned and disciplinary action for the employee.

9. USE OF SERVICES OF FIRMS DEALING WITH THE COUNCIL

9.1 Staff must be extremely cautious when using the services of firms which they know to have dealings with the Council. Particular care must be taken where staff deal with outside firms or companies who they deal with as part of their normal Council duties.

9.2 Guidance

- (a) Goods or services for private use may be bought from firms trading with the Council, providing the price offered is readily available to the

general public, either directly or by way of a recognised trading organisation.

- (b) Where however an employee has good reason to believe that an offer of preferential terms, in the form of either goods or services, might in fact be a specific inducement to promote a firm's interests he/she must decline to have such dealings with that firm. Nor must a member of staff use his/her position with the Council to obtain a discount or preferential terms. The purchase of goods and services at discounted terms under a scheme or arrangement which applies to members of a trade union or other organisation is excluded from this paragraph.
- (c) Staff must avoid contact with firms engaged in "pressure selling", where inducements and discounts are offered in return for orders. The proper action is for the officer concerned to report the matter immediately to their Executive Director.

To avoid any suggestion of restraint of trade or unfair discrimination against any particular firm, the staff involved must always explain diplomatically the dangers to both parties inherent in such preferential offers.

10. USE OF COUNCIL FACILITIES

- 10.1 Employees of the Council are provided with facilities, including office equipment, computer facilities, transport, telephones, secretarial services etc, to use in carrying out their official duties. Certain facilities, such as telephones and photocopiers, are available to staff for private use on agreed terms. However, Council work must always be given priority and, if employees wish to make use of Council equipment for their own use, prior approval must always be obtained by consulting Human Resources in the first instance. Unauthorised use of equipment will render an employee liable to disciplinary action and/or legal proceedings.
- 10.2 The Council recognises the importance of information technology in delivering efficient, high quality services. All employees are required to take appropriate measures to ensure the security of information, and the protection of IT equipment and information from threats such as computer viruses and theft. There have been instances where a computer virus has been introduced onto computers by employees utilising their own software and this must in no circumstances take place without the prior written approval both of the Town Clerk.
- 10.3 The use of IT equipment is regulated by various Procedure Rules including the Council's Acceptable Use of IT Policy and acts of parliament including the Data Protection Act (1998) and the Freedom of Information Act (2001). All employees are obliged to act in accordance with these regulations and employees must be aware of the requirements of these policies for both business and personal use of IT equipment. Details can be accessed through the Policies and Procedure Manual (Managing Conduct, Performance and Information Policy).

- 10.4 Employees who have responsibility for the use of equipment, machinery, etc must always ensure that routine checks are carried out prior to use. Any defect or damage must be reported immediately by the employee to their supervisor.

11. ATTENDANCE AT PUBLIC MEETINGS

- 11.1 There exists some uncertainty in the minds of senior management and Members about the circumstances in which employees are expected to attend public meetings which are not hosted or organised by the Council.

This is a particular problem for officers who, on the one hand, recognise their responsibilities to Members but, on the other, are hesitant to be drawn into issues which might be more appropriately settled in the political arena. Understandably, Officers are particularly reluctant to become involved in such meetings immediately prior to an election.

- 11.2 Members have expressed the view that they should be able to rely upon the support of Officers in dealing with matters of concern within their wards. Members are often called upon to explain Council decisions about which they have no detailed or technical knowledge and which, in some cases, they do not personally support. In these cases, Members consider that the attendance of Officers at meetings with the public is essential.

11.3 Guidance

Members must be able to count on the support of Officers to explain particular proposals and schemes in detail [but not to deal with general issues affecting an area or a ward]. This may be required at public meetings in the Member's ward, subject to the following conditions being met:

- [a] the appropriate Executive Director agrees that it would be appropriate for an Officer to attend the meeting in his/her professional capacity and that this is an appropriate use of the relevant Officer's time in all the circumstances;
- [b] the venue for the meeting is not in the ownership of, or occupied by, a particular political group;
- [c] notices inviting attendance at the meeting do not refer to any political group;
- [d] costs involved in meetings called by ward members are not to be met by the Council;
- [e] the Executive Director is satisfied that notices inviting attendance at the public meeting have been widely distributed in the area concerned;
- [f] all Councillors for the ward[s] affected, together with the Chair and Opposition Spokespersons of the committee[s] concerned, are invited to attend the meeting;

- [g] all requests for attendance at public meetings are vetted by the appropriate Service Director or a nominated officer to ensure that all appropriate services are represented and that these guidelines have been observed; and
- [h] Officers must not be required to attend public meetings during the period preceding European, parliamentary or municipal elections from the notice of election to the day of the poll.

12. CUSTOMER CARE

12.1 It is important that, as an employee of the Council, you carry out your duties to the best of your abilities and give the best professional advice on all matters. Many employees of the Council are 'front line' service providers and it is essential that the image portrayed reflects the quality of the organisation. The reputation of the Council depends on the conduct of its employees and it is important, therefore, that the highest standards of conduct and service to the public are maintained at all times. You must always be courteous, helpful and efficient when dealing with members of the public and other outside bodies and give adequate information to ensure that they receive a satisfactory service. In achieving this, you must ensure that your safety and that of your colleagues is always taken into consideration.

12.2 In your relationship with the public you must:

- put the public first
- be polite, whatever the circumstances
- listen and show interest
- remember to demonstrate to the customer that you are here to provide a service
- make the customer feel that they matter
- keep the customer informed
- maintain a high standard of work

12.3 When receiving telephone calls:

- give the name of your service and also your name
- speak clearly, use plain language not jargon
- treat the person as if you were talking to them face to face
- take the caller's name and call back if necessary
- always remember that your tone of voice will convey as much information to the customer as the words you use.

12.4 When dealing with customers/clients on a face to face basis:

- be courteous at all times
- treat people's property as if it was your own
- be patient, allow time for our customers who are elderly or disabled
- introduce yourself, wear your identification badge where it is appropriate
- wear the correct type of clothing, always taking into account any health and safety considerations.

12.5 Always remember that customer care is the link between you, the customer and the Council.

13. DEALINGS WITH THE COUNCIL

13.1 You may have dealings with the Council on a personal level, for example as a Council Tax payer, as a tenant, or as an applicant for a grant or planning permission. You must never seek or accept preferential treatment in those dealings because of your position as a Council employee. You must also seek to avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment.

13.2 Similarly, you must never use your position as an employee to seek preferential treatment for friends or relatives or any firm or body with which you or your friends or relatives are personally connected.

13.3 All employees must disclose to the appropriate Executive Director any personal interests which may conflict with the authority's interests [e.g. acting as a school governor within schools maintained by the authority, involvement with an organisation receiving grant aid, involvement with an organisation or pressure group which may seek to influence the authority's policies]. Each Executive Director will maintain a register of such disclosures which must be available for examination. If employees are in doubt as to what should be included they must err on the side of caution and disclose the interest.

14. RELATIONSHIP WITH ELECTED MEMBERS

14.1 Both Councillors and employees are servants of the public, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council and their job is to give advice to Councillors and to carry out the Council's work under the direction and control of the Council and its committees.

14.2 Mutual respect between Councillors and employees is essential and close personal familiarity between individual Councillors and employees can damage the relationship and prove embarrassing to other Councillors and employees.

- 14.3 Employees serve the Council as a whole and consequently must serve all Councillors, not just those of any controlling group. Some employees are required to advise political groups and must advise minority groups as well as controlling groups. They must do so in ways which do not compromise their political neutrality.
- 14.4 Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 14.5 Political assistants appointed on fixed-term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the advice in paragraphs 14.3 and 14.4.

15. PROTOCOL FOR PROCESSING CORRESPONDENCE ADDRESSED TO ELECTED MEMBERS

- 15.1 Letters addressed to Elected Members are their property and, generally speaking, the permission of the addressee must be obtained before the contents are revealed to, or shared with, any other person. In the circumstances where a Member requests an Officer to treat a matter on a confidential basis, this must be respected except in the following circumstances:
- (a) If an Officer believes that, in keeping a matter confidential, the Council's Financial Procedure Rules or other established procedures, policies, etc are likely to be breached. In such circumstances he/she must discuss the matter with the Town Clerk;
 - (b) If the content of a letter from an Elected Member, or the response, is likely to be the subject of a report to committee, or if it impinges upon an existing policy of the Council or if it is known that there is media interest, Officers must acquaint the appropriate committee Chair and Spokesperson[s] of the main opposition political group[s] of the existence of the letter.
- 15.2 If a letter is addressed to an Elected Member in circumstances which might be regarded as akin to an official communication to the Council, there is a responsibility on the part of Officers to advise that such a letter must be dealt with through the appropriate democratic processes of the Council. Official correspondence on behalf of the Council should normally be handled by Officers, and it would be appropriate for an Officer discussing such correspondence with a Member to suggest that course of action and to offer to deal with the correspondence on behalf of the Council, or at least offer to prepare the reply for the Member concerned.

An example of such circumstances would arise if a Member were to receive an invitation, in his/her capacity as an Elected Member, to represent the Council on the management committee of an outside body. In such a case, the relevant Officer must report the invitation to the Town Clerk and Leader of the Council.

- 15.3 Officers must note that letters received by Members from Officers in response to ward matters may be circulated in the neighbourhood concerned, within the criteria laid down and provided that party political slogans, or references to a political party, do not appear on the face of the Council communication, which must remain in its original form.

[Details of the criteria referred to are available from KMBC's the Head of Democratic Services].

- 15.4 Candidates in an election who are not serving Members of the Council must be treated in the same way as any member of the public and must not be given the facilities enjoyed by Elected Members to pursue ward issues.

16. PROTOCOL FOR RELAYING VERBAL COMMUNICATIONS WITH ELECTED MEMBERS

Should it be necessary to reproduce any part of the contents of a verbal communication with an Elected Member in written form, Officers should, as a matter of courtesy, send a copy of the correspondence to the Member with whom the conversation was held.

17. AWARDING OF CONTRACTS/TENDERS

- 17.1 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 17.2 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors and be able to demonstrate that this has been done. Employees must ensure that no special favour is shown to current or former employees or their partners, relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 17.3 Employees must also ensure that they are aware of, and comply with, the Council's Contract Procedure Rules and Financial Procedure Rules when awarding contracts for goods and/or services.

18. EQUALITY AND DIVERSITY POLICY

- 18.1 The authority has a Single Equality Scheme and a comprehensive Equality and Diversity Policy which, in particular, commits it to working towards equality of opportunity for gender, ethnicity, disability, age, religion and belief, sexual orientation, gender identity, carer's status, offending past, pregnancy and maternity and marriage and civil partnerships. All employees must ensure that policies relating to equality issues are complied with, in addition to the requirements of the law, e.g. the Equality Act. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

18.2 The Authority also has a specific policy to combat harassment, discrimination and bullying. The Occupational Health and Wellbeing Policy – Dignity at Work guidance policy (the Dignity at Work Policy) sets out the standards of behaviour expected from all employees. It:

- emphasises the need to treat everyone fairly;
- draws attention to the many forms of harassment, discrimination and bullying at work and to their serious adverse effects;
- makes explicit those behaviours which will not be tolerated;
- provides practical guidance to all employees on how to deal with harassment, discrimination and bullying;
- explains the support mechanisms for employees.

It stresses that all employees have the right to be treated with dignity, integrity and respect.

18.3 Offensive language or behaviour will not be tolerated by the Council. Employees found guilty of such language or behaviour are likely to face serious disciplinary action up to and including dismissal.

~~19. USE OF OFFICIAL CARS~~

~~19.1 Official cars which, for the purposes of this Code, include private hire vehicles, must be used only in the conduct of the official business of the Council. Vehicles must be booked through the prescribed service and no private hire operator must be contacted directly, except when the journey concerned is outside normal working hours and unforeseen.~~

~~19.2 Vehicle waiting time should be kept to a minimum.~~

~~19.3 Wherever practicable, public transport or private vehicles must be used. The use of official cars must be governed by the following considerations:~~

- ~~(a) there is a substantial saving in expenditure and time, or the journey is essential and a matter of urgency;~~
- ~~(b) due to disability, illness, or potential risk of bodily harm or distress, the use of other means of transport is not possible;~~
- ~~(c) it is necessary to carry bulky documents or materials;~~
- ~~(d) there is an urgent need to carry out essential work during the journey;~~
- ~~(e) the nature of the journey, i.e. lengthy travelling time/short waiting time, as opposed to a short journey/long waiting time;~~
- ~~(f) the need to use an official car in order to reflect the status of the occasion [subject to the provisions in paragraph 18.5[c] below].~~

~~19.4 All journeys by official cars must be authorised by an Officer of appropriate seniority.~~

~~19.5 Official cars must not be used for travelling to or from home unless under exceptional circumstances, i.e.~~

~~(a) emergency callouts or duties;~~

~~(b) out of hours working in circumstances where, if a private vehicle had been used, car mileage allowance would be claimable;~~

~~(c) the Officer concerned is representing the Council on formal ceremonial occasions, in which case the use of official cars is restricted to Executive Directors.~~

20. GUIDELINES FOR USE BY THE TOWN CLERK IN DETERMINING THE NEED TO ACQUIRE/USE MOBILE PHONES

20.1 The Council is committed to providing high quality, efficient services to the public in the most cost-effective way. It recognises that to do this it needs to employ modern methods of operation and equipment. Some of these methods and equipment are, however, expensive and the Council wishes to ensure that additional expense is both appropriate and necessary.

20.2 The Council is satisfied that there are many circumstances in which it is beneficial to clients, staff and Council services to use mobile phones. The Council has therefore approved the following guidelines which the Town Clerk must have regard to:

(a) before deciding to acquire; and

(b) in deciding to continue to use mobile phones.

20.3 Guidelines

Mobile phones must only be acquired/retained when one or more of the following criteria are met:

(a) When their availability is essential to provide for the security of staff visiting sites or clients away from their normal base and where there are identified risks to staff [e.g. on certain home visits and visiting empty properties and sites with clients].

(b) Where mobile staff need to be able to take immediate and effective action when away from their base in order to protect the public [e.g. building surveyors in relation to dangerous structures, etc and traffic engineers regarding traffic signal failures].

(c) Where staff regularly operate away from a fixed base and there is a demonstrable need to have immediate two-way contact [architects, etc visiting and between sites].

- (d) Where staff need to be in immediate contact outside normal working hours to activate/implement arrangements to deal with minor/major emergencies.
- (e) Where it is cost effective and enables the Council to deploy its human and material resources in a way which improves its ability to provide services [e.g. in achieving more productive use of mobile work teams].
- (f) When staff need to be able to resolve staffing shortages/issues at residential establishments [e.g. in the Homelessness Service] outside normal working hours.
- (g) When providing services for outside agencies where the contacts require the availability of mobile phones.
- (h) When it is necessary for open air events organisation and associated public safety.
- (i) Where it is not sufficient to use landline telephones, pagers or other methods of communication [e.g. radio telephones].
- (j) When there are other special needs not referred to above, which must be approved in every case by the Town Clerk personally.

Subject to item [i], in every case where mobile phones are acquired, the personal approval of the Town Clerk must be obtained.

22. CASH HANDLING

- 22.1 Every employee engaged in any way in the handling of money must accept that once he/she has received it, it is his/her own individual and personal responsibility, which cannot be abrogated or shared with any other person, to ensure its correctness and safe custody and that he/she will be held responsible and may be liable for any failure to account properly for the money until he/she parts with it in an authorised way.
- 22.2 The proceedings and business of the Council are regulated by various Procedural Rules, including Financial Procedure Rules and Contract Procedure Rules. All employees are obliged to act in accordance with them and employees are therefore advised to familiarise themselves with their requirements.

23. CORPORATE IDENTITY

- 23.1 The Council adopts a corporate approach to image, communications and customer care. A co-ordinated approach to the use of a symbol and colour scheme is an effective method of increasing public awareness of Council services.

Access to the mediation service will be through KMBC therefore it is appropriate to use their standard documentation for appendices 2,3,4,5 and 6.

APPENDIX 2

KMBC MEDIATION SERVICE - MEDIATION REFERRAL FORM

Referred by:

Contact no:

Job title:

Referral date:

Nature of dispute:

KMBC Procedure(s) already actioned/completed?

First disputant

Second disputant

Name:

Name:

Job title:

Job title:

Contact no:

Contact no:

Aware of referral:

Aware of referral:

Outcome of case

Referral accepted:

Referral passed to:

Date:

Date of mediation:

Outcome of mediation:

2. Referral declined: **or mediation unsuccessful/declined**

Information given on other courses of action to disputant(s):

DAW procedure Grievance procedure Disciplinary

Employee Support Occupational Health Training

Other:

APPENDIX 3

KMBC MEDIATION SERVICE – MEDIATION CASE FORM

Referred by:

Name:

Relationship to disputant(s):

Disputant 1

Disputant 2

Name:

Name:

Job title:

Job title:

Contact no:

Contact no:

Dept:

Dept:

Aware of referral:

Aware of referral:

Date of meeting:

Date of meeting:

Outcome:

Outcome:

Mediation

Date:

Time:

Venue:

Outcome:

Review

Date:

Time:

Venue:

Outcome:

APPENDIX 4

SAMPLE LETTER

ADDRESS

Date Your Ref Our Ref Please ask for

Dear **name**,

In my capacity as Mediator I am pleased that **name** and yourself have agreed to use the Mediation Service. I will remain impartial in conducting the mediation session, in which you will negotiate with the other party to try and resolve the disagreement. I have no authority to suggest a resolution/solution for you or impose a binding decision – that is up to the two of you.

Mediation, however, has an excellent track record of achieving settlement. If you reach a settlement you both agree with, then it becomes binding on both sides.

It has been agreed that we will meet on **day date** at **venue** for a **time** start. I enclose a map of how to reach venue – please report to the main reception on your arrival.

As discussed at our first meeting the process will follow the stages outlined:

1. Opening statement (background and ground rules)
2. Uninterrupted time (first person)
3. Uninterrupted time (second person)
4. The exchange
5. Setting the agenda
6. Building the agreement
7. Closing statement – what next?

I will go through this with you again at the start of the mediation session so you are clear about the process, and answer any further questions you have.

I hope you are successful in resolving your disagreement.

Yours sincerely,

Name

APPENDIX 5

KMBC MEDIATION SERVICE – Statement of Confidentiality

Subject to the contents of paragraph 2 below:

- 1
 - (i) Your use of the service remains confidential to you and the following personnel: the other person involved in the disagreement, the person who referred you to the service (if not yourself), the Mediation Service Co-ordinators, the mediator assigned to the case and your line manager (if not the original referrer).
 - (ii) The content of what is said during a mediation session will remain confidential to those involved in a session. Namely, the mediator, yourself and the other person in the session. Any notes taken during the mediation session will be destroyed at the end of the session. It is understood that the only documents that are retained from a session will be the written agreement, if there is one.
 - (iii) The content of the agreement you make at the end of the session will be known to yourself and the person you have made it with, the mediator, the Mediation Service Co-ordinator and normally your line manager.
 - (iv) The outcome of mediation (i.e. whether or not it was successful) will be known to yourself and the other person in the session, the mediator, the Mediation Service Co-ordinators, your line manager and the person who originally referred you to the service (if this wasn't your line manager).
- 2
 - (i) If you share information within the Mediation Service about an employee's misconduct, criminal activity or a serious threat to either yourself or another person's safety or well-being, that would fall outside of the boundaries of confidentiality within the service and therefore would not be kept confidential.
 - (ii) If the disagreement that is the subject of mediation results in or is raised in any of the following:
 - (i) KMBC Formal procedures – e.g. but not limited to, Disciplinary/Capability Procedures; Grievance/Dignity at Work Procedures.
 - (ii) Legal Proceedings – eg, but not limited to, Claims to an Employment Tribunal, County Court, High Court, Criminal Courts.

Then it is anticipated that the disputants' use of the Mediation Service would become known. It is possible that the contents of any of the sessions and the contents of any agreement form would be disclosed during any subsequent investigation or hearing. This also applies to all other documentation held in the case file.

3. Any deliberate breaches of confidentiality by any party involved in this process may result in disciplinary action.
4. A note will not be placed on your personnel file to indicate that you have taken part in mediation.

I agree to the boundaries of confidentiality as stated above

Signed:

Print name:

Dated:

APPENDIX 7

GUIDANCE ON MANAGING EMPLOYEE PERFORMANCE

Why do we need to manage performance?

The Council invests around 37% of its budget on its workforce. This includes salaries, National Insurance contributions, pensions and training. Managers need to ensure that their teams understand what is expected of them and support them to perform at the highest level possible. These expectations will include making sure that their teams understand the relevant targets (measures) and quality of work (standards) expected for them. Clear transparent communication with employees is critical to ensure a productive and accountable workforce.

Council Benefits of Good Performance Management

In order to ensure good performance is achieved, employees need to understand what the priorities for the Council are, and what actions need to be taken to deliver them. These are contained in the individual work plans and through the Performance Review and Development System. These plans contain actions and indicators which measure the performance of the employee.

Employee Benefits of Good Performance Management

From an employee perspective, the benefits of good performance management include:

- Clarity of individual priorities and where they fit into the Council's priorities and other work plans.
- An understanding of their role in achieving the actions within these plans and the skills and knowledge needed to fulfil their role.

How do we do it? - Workplace discussions

Good two-way communication between employees and managers is the best way to manage new and existing priorities and responsibilities. Workplace discussions should take place which address the expectations within a role and any training or support requirements which impacts on the employee's ability to meet their individual priorities. This should be formalised through the PR&D process. These should be considered from a short, medium and long term perspective:

- *Performance to date*
- *Planning for future performance (taking into account the Council **and** employee needs)*
- *Developmental or training and support required to meet future performance expectations*

For all employees, workplace discussions should be around how they see their contribution to the organisation and where they see themselves in the next few years. These discussions may also lead to making changes in the workplace which reflect

the employee's changing needs or to help the employee to perform their job role eg: changes to working patterns / flexibility / adapted chairs / computer screens etc. PR&D's and other workplace discussions are also an opportunity for managers or employees to raise any issues or concerns they may have about their performance.

Who is involved?

The Manager's responsibilities during PR&D's and workplace discussions are to...

- agree measureable and stretching individual priority actions with the employee so that they directly contribute to the Service Plan and other work plans
- review individual performance against any individual priority actions and expected results throughout the year
- review individual performance against agreed standards (internal or external), where applicable, throughout the year
- give and receive feedback and discuss amendments to individual priority actions as circumstances change
- agree the most important skills and behaviours necessary to do the job well and agree if any training and support is necessary
- help staff to achieve their priority actions through a coaching style of management , where necessary, provide access to training or other support opportunities
- manage under-performance as soon as possible – don't leave it to decline
- summarise the discussions on the PR&D template when holding an annual review and this should be supplemented by an interim review held half yearly
- promote a positive approach to respecting the values of our workforce
- recognise and acknowledge employees who are meeting or exceeding their individual priorities.

The Employee's responsibilities are to...

- agree individual priority actions with the manager so that they directly contribute to the Service Plan and other work plans
- review and be accountable for their own individual performance against any individual priority actions and expected results throughout the year
- review their own individual performance against agreed standards, where applicable
- receive feedback from their manager and contribute to the overall workplace discussion to make sure that it is a two-way conversation by asking appropriate questions
- agree the most important skills and behaviours necessary to do the job well and agree if any training and support is necessary
- be willing to participate in coaching or other self development opportunities which builds skills and capacity towards the achievement of the Service Plan and other work plans
- commit to and take responsibility for addressing their personal and where appropriate professional development
- acknowledging and addressing own under performance where necessary

- promote a positive approach to meeting the needs of people within our community who may be marginalised.

How do we set Individual Priority Actions and Expected Results?

It is clearly important for everyone to understand what is expected of them. That is why it is essential to agree actions for the individual and expected results in a way that provides clarity on the priority actions as well as the timescales associated with this.

Performance management frameworks for employees are based on the setting of specific actions and measurable expected results and monitoring and evaluating progress against these. They also provide the individual with a clear understanding of what they are accountable for. This is an ongoing process which enables the organisation to deliver its plans and continuously improve by setting stretching challenges for itself and its employees.

When setting individual priority actions and expected results, remember to give due consideration to the circumstances of the employee you are reviewing. Whilst respecting their values, consider the following questions:

As a manager, ask yourself...	Give consideration to...
What do you want the employee to do and what will be the expected result?	Where appropriate focus on how individual priority actions and expected results link to the priorities within your Service Plan and other work plans.
Are they (the individual priority actions and expected results) still important?	Consider whether they are short, medium or long term? Keep these under review throughout the year as things can change due to both external and internal influences.
Are they appropriate?	The expected results should always reflect the level and range of responsibilities of the employee(s) being reviewed. They should never be set if the expected result is clearly outside of the person's control. There may be situations where employees are able to CONTRIBUTE to an expected result e.g by supporting / effective monitoring / escalating issues / reporting. A couple of examples of this could be... increase the use of libraries / reduce sickness absence. You cannot be solely responsible for these things but you can contribute to them through other specific actions.
Do they make the most of the skills in our teams?	The individual priority actions and expected results should be challenging enough to stretch and develop employees – whilst maintaining a clear emphasis on building capacity to meet Service Plans and other work plans.
What training and support will be put in place for team	This will take a clear understanding of the Service Plan and other work plans and also a clear understanding of

members with new responsibilities?	the existing skills, competencies and experience within the team.
Are both parties clear about what is expected in terms of performance?	Useful and well thought through workplace discussions should help to ensure everyone is clear about what is expected and what will be reviewed at the next meeting.

Once you have decided what the individual priority actions and expected results should be, you need to think carefully about how they are written to make sure that everyone understands the expectations within them. You need to use clear language that everyone understands.

To summarise...the key features of effective performance management

- It is critical to the success of individual flexible working arrangements and the overall success of flexible teams to ensure that there are processes in place to manage, monitor and measure performance regardless of the location or working hours of the employee.
- In order to effectively manage performance, managers and employees must agree on realistic and achievable individual priority actions and clearly defined results.
- Individual priority actions should be carefully considered to ensure that they align with the priorities set for the rest of the team and that they are achievable within the current (or proposed) working environment.
- Where employees have met or exceeded expectations, their willingness, commitment and high ability can be utilised to further develop colleagues through coaching and role modelling.
- Managers should however ensure that principles of fairness and equity are employed when setting priorities to ensure that an employee's age, experience or work style does not take precedence over the performance management process.
- Effective management by results relies heavily on effective feedback on performance. Managers are expected to adopt a coaching style of communication with their teams, providing encouragement and support for them to take ownership and responsibility and ultimately develop and improve their own performance and the performance of the team.
- Managers should agree a clear programme of communication, feedback and performance review with all employees (including flexible workers) and should ensure this is maintained by all parties. Clarity of expectation is essential to effective management of flexible workers / flexible teams.

HOW to Manage Poor Performance

The Council is keen that performance is managed on a day to day basis instead of becoming an issue that is raised when performance levels reach crisis point.

Poor performance should be addressed through the standard performance management processes which include establishing the reasons for this, setting improvement periods and agreeing what training and support would help the employee to meet the agreed expectations. Any incidences of poor performance should not be left unaddressed but should be handled with sensitivity and by providing constructive and objective feedback to help the employee address the performance gaps, clearly stating what is expected of them in the future.

Managing poor performance is an area of work which many managers find extremely daunting. Unfortunately, some managers see the poor performer as someone to either, be ignored, moved elsewhere or worked around. Equally, turning around the poor performer is a task that many managers don't think is their responsibility as they expect people to do what they are paid to do.

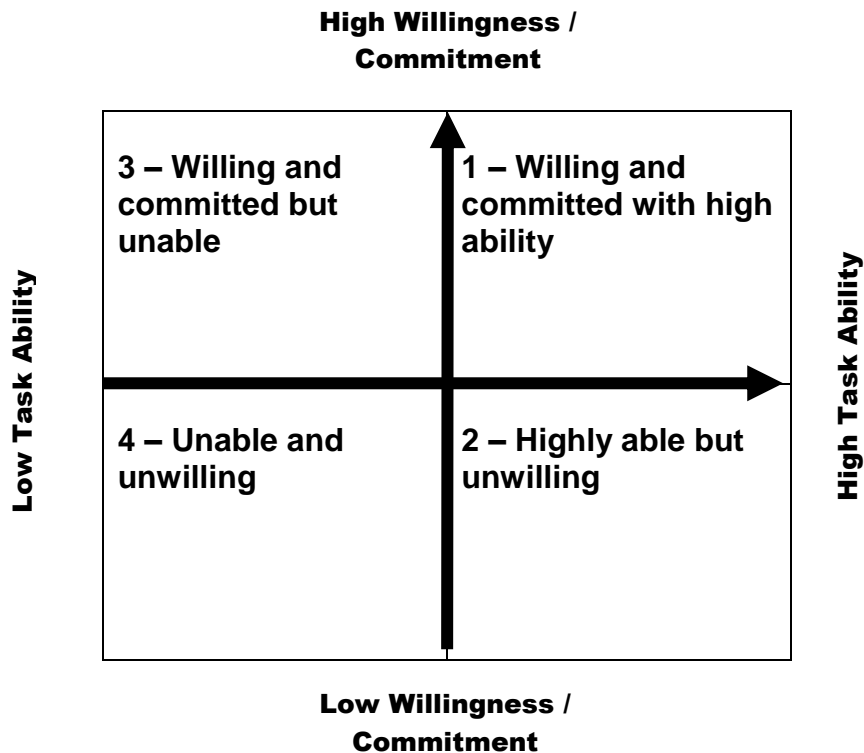
It is clearly the manager's role to both manage poor performance and put all possible measures in place to rectify poor performance. For further information see the Managing Conduct, Performance and Information Policy.

Generally, people perform badly when they don't know what to do, when they don't know how to do it or the way they are personally supported and motivated at work is wrong for them. They may, of course, have a temporary lapse in performance, and this needs careful handling. But at the heart of poor performance lies the motivation and attitude of the individual to succeed. Most employees want to be appreciated and to feel that they are a worthwhile member of the workforce.

We need to ask the following questions:

- Why is this person underperforming?
- What is happening to this employee's motivation that leads them to underperform?
- What encouragement or support does this person need that may lead to a better performance?
- What can I do to help them?"

Consider the following model...How do your staff perform, what do they need from you and how do they fit into this model?



‘Managing the Poor Performer – Fenman 2001’

As a manager we need to focus on:

- **Knowledge** - Does the person who is performing badly know what they have to do?
- **Skills** - Do they know how to do it?
- **Resources** – Do they have the resources they need? (time, budget, equipment etc)
- **Support** - What have you done to support them in their difficulties?

These questions seem fairly obvious. Unfortunately this is not always the case. Let’s look at this in more depth:

Knowledge - Does the person who is performing badly know what they have to do?

People can’t guess what they have to do. They can’t read managers’ minds and, even when managers set out what needs to be done, they don’t always do it in a manner that is specific enough to be followed.

For example: A manager asks an employee to write a report about a new procedure the team is introducing in the leisure centre. The employee spends an hour on the document and it contains details of the process the staff need to follow – to the employee this meets the manager’s request. In fact the manager was *expecting* the employee to spend much more time on this task and for them to produce a detailed, bound document which contains research information and a complete business case to support the new procedure. The manager feels that the employee has underperformed, however the employee is unaware of the manager’s expectations.

Skills - Do they know how to do it?

Many people become poor performers through inadequate training or transfer of learning to the workplace. Most managers will say that the individual has had “the training” – but this could vary in length of time, quality and intensity. In addition, training alone does not always give people the confidence or competence they need to carry out the task – they need practice and support from those around them in order to consolidate their new found skills and abilities. Remember that each employee is an individual and will have their own preferred learning style.

Resources - Do they have the resources they need? (time, budget, equipment etc)

Consideration needs to be given to these essential issues. It may be that these resources *are* available but the employee isn’t managing them effectively enough themselves. A manager needs to be clear on these issues before any discussion around poor performance take place.

Support - What have you done to support them in their difficulties?

Support from managers is extremely important. The manager needs to know each individual, needs to understand each individual, needs to help each individual to obtain whatever it is this person needs to perform effectively. Often this can be little more than keeping the individual’s self-esteem high and their priority actions clearly set out.

To summarise...

Effective performance management occurs when each individual has:	Effective performance management occurs when each manager is able to:
<ul style="list-style-type: none">• A clear understanding of his/her performance accountabilities• Specific and measurable priority actions that are aligned to the priorities of his/her team, service and the Council• A clear understanding of how his/her performance will be evaluated against these goals	<ul style="list-style-type: none">• Clearly communicate with individuals on setting measurable priority actions and ensuring that any development needs are addressed• Support individuals throughout the year in the achievement of their priority actions• Conduct a constructive and informative PR & D review with each individual in their team

APPENDIX 8

Information security guidance document

The following are key messages to ensure that all, our Council information is protected, as much as possible. Failure to keep information secure is a serious matter that could have significant implications for our residents. We could also be in breach of data protection legislation which could result in a fine of up to £500,000, and damage the Council's reputation.

Passwords

- Do not write your passwords down.
- Do not disclose and/or share your passwords to anyone.
- Change your password if you think that someone else has seen it.
- Never use a word or phrase that can easily be guessed – names, sports teams, and so on, or is directly associated with you.
- Consult the [password checker](#) on the best password format.

Working in the office

- Do not leave files containing personal, sensitive and/or confidential information on your desk and always store them in locked drawers and/or cupboards.
- If you are working away from the computer ensure you use the screen saver lock (for Windows computers press CTRL+ALT+DEL) or log out of your session.
- If you use a Council laptop you must ensure that you have, and use, a 'Kensington' (steel cable) lock to secure the laptop when it is left unattended in the office.
- Store equipment, including laptops, out of sight in a locked cupboard overnight and at weekends.
- Be aware of the environment around you and report any risks and/or concerns you have, for instance doors not locking.

Secure disposal

- Do not put papers which are of a personal, sensitive and/or confidential nature into the recycling bins unless they have been shredded. If you have not shredded them always put them into a confidential waste bin to be securely disposed of.
- If you use shredders in the office ensure they are cross-cut shredders
- If you are disposing of memory sticks, CDs, and other electronic devices when you have finished with them, do so securely, so that information previously stored on them cannot be recovered. Do not place them in a rubbish bin but contact the IT Service Desk
- If you are disposing of IT equipment contact the [IT Service Desk](#).
- If you have personal, sensitive and/or confidential documents which you have been working on at home bring them to the Council for disposal, rather than throwing them away at home.

Working outside of your usual place of work

- You are personally responsible for any Council information you take out of the office.
- If you work remotely from home, or other locations, extra caution must be taken to prevent loss, damage or theft.
- Only take the information you really need with you. The more sensitive the document, the more care needs to be taken – if in doubt seek advice from your line manager.
- Keep paper files securely at all times.
- Do not let anyone else access Council computer equipment and/or paper records.
- Do not discuss personal, sensitive and/or confidential information with anyone else outside of the Council.
- The only place where confidential or sensitive electronic information should be held is in a secure network, approved encrypted device or physically secure environment
- Do take care when you are taking information out of the office, whether it is stored on paper, laptop, or other formats. Always use encrypted devices.
- If using public transport always keep items close to you.
- If travelling by car, place laptops out of sight in the boot and where possible lock the boot.
- Do not leave equipment and/or documents unattended (especially in vehicles).
- There may be exceptional circumstances where leaving a laptop in the boot of your car could be considered safer than carrying the equipment with you. In these instances you should carefully consider the risks involved as you will be asked to justify your decision, should there be a breach in information security.
- Do not email any documents to your home or other unsecure email service. If you need to take work documents home speak to your line manager about accessing the appropriate technology to enable you to work remotely in a secure manner.
- Do not access personal, sensitive and/or confidential information on a non-Council computer.
- You should read the Home Working Guidance, which is available on BERTHA for further information and which states: 'Home workers must ensure that all information stored and accessed (including written information and that held on computer) is secure and cannot be accessed by other parties'.

Sending information by email

- Do not send personal, sensitive and/or confidential information by email outside of the Council environment unless you have a GCSx account or another approved mechanism. If you need to send information speak to your line manager.
- Within the Council consider sending a link to a SharePoint site or other Council system.

Sending hard copy information

- If you are sending personal, sensitive and/or confidential information in hard copy, then use Royal Mail special delivery or a courier firm that has track and trace facility.
- The package must always be signed for on delivery

Sending information by fax

- It is well documented that the use of fax machines could be an insecure method of transferring confidential information, especially personal information.
- Personal, sensitive and/or confidential information must only be sent by fax where there is no reasonable alternative AND where not sending the information would cause a risk to a service user and/or customer. Therefore, employees must limit, wherever possible, the use of fax machines to transmit or receive personal and/or confidential information
- You must consider other options to transfer information.
- Employees responsible for regularly using fax must consider need against risk, in consultation with their Head of Service.
- Care must be taken when dialling to ensure that the correct number is entered.
- Use autodial facility where possible but check that the number is up to date.
- Before sending personal, sensitive and/or confidential information first confirm the presence of the specific recipient by 'ringing ahead' and asking the recipient to be ready to receive the fax.
- The cover sheet must include the two following statements:
 - 'Contact the sender when the fax has been received to confirm receipt.'
 - 'If this fax has been received in error, you must immediately contact the sender to alert them to the fact, and immediately confirm in writing, preferably by email, that the fax has been destroyed.'
- Once you have sent and/or received a fax remove it from the fax machine immediately, pass to the named recipient, and do not leave it on the top of the machine to invite potential unauthorised access.
- Obtain the 'message confirmation sheet' confirming successful transmission of the fax. Confirm that the fax number which it has been sent to is the same as the one that was intended. If this is not the same fax number contact the recipient immediately by telephone if the number is available, or fax if not and ask them to destroy the original fax.

For more information please contact:

Daniel Wilson - Town Clerk

Information security policy

Information security policy

1.1 Purpose

The information security policy sets out details of the overarching information security principles for Prescot Town Council under which supporting policies should be interpreted, managed and applied. The document has been produced in line with the requirements and guidance contained in ISO27001:2005/ISO/IEC17799:2000: Information Technology – Information security management systems requirements, and ISO27002:2005: Code of practice for information security management systems. The policy defines the general principles of information security and it establishes the framework under which each of the information security policy documents must be interpreted, approved, communicated and managed.

1.2 Scope

The policy applies to all information (both paper and electronically stored) owned or managed by the Council, which is used directly or indirectly (including through contractors and sub-contractors) to deliver its services. There is a separate corresponding policy used by schools.

This policy applies to all employees of Prescot Town Council and to all other persons working for the Council who have access to, or use of, the Council's facilities and/or equipment. It therefore includes:

- Elected Members;
- employees of affiliate organisations;
- individuals contracted by the Council through employment agencies;
- employees of contractors and sub-contractors of the Council; and
- any other individuals with authorised access to the Council's information assets or information processing facilities.

Relevant sections of the policy may be used as a reference point in contracts with external suppliers.

1.3 Policy statement

This policy has been developed for use across the whole of the Council and complies with the requirements of widely recognised good information security practice. It will assist all users of information to apply the correct level of security to their day to day activities in line with good practice and applicable regulation and legislation.

1.4 Responsibilities

Party	Key responsibilities
Council	Approving information security policies and practices.
Finance & General Purpose Committee	Reviewing and endorsing information security policies and practices. Oversight, guidance and approval of the information risk and incident management processes.
Town Clerk	Overall responsibility for information security. Ensures that this policy and other information risk policies are implemented, reviewed and their effect monitored.
All Employees	Ensuring that specific requirements relating to all systems (paper and electronic), including system documentation and the information held within it are followed. Ensuring that this policy is implemented and followed within their specific service area.
Town Clerk	Developing information security policies, procedures and guidance, promoting awareness and reviewing standards to be followed.
Everybody covered by the policy	Adhering to this policy and any associated procedures.

1.5 The importance of information security

The main aims of information security are to preserve:

- confidentiality: protecting information from unauthorised access;
- integrity: making sure information is accurate, complete and reliable; and
- availability: making sure information is available to authorised users when it is needed.

Information security should also ensure:

- accountability: accounting for the actions of individuals by monitoring their activities; and
- non-repudiation: legally acceptable assurance that transmitted information has been issued from and received by the correct, appropriately authorised, individuals.

The Council has a responsibility to securely manage its own information assets, the information made available to it by service users, residents, business, suppliers, and all information in its care, and to protect that information from unauthorised disclosure, loss of integrity or availability.

All parts of the Council have a responsibility for ensuring adequate protection of information. It is important that Information security receives the highest attention by all managers to ensure that information security matters are given due consideration in all business decision-making. This will assist with the allocation of sufficient human, technical and financial resources to ensure information security management, and in taking appropriate action in response to all breaches of the policy.

The policy must be:

- coordinated: security measures will be based on a common framework provided by the policy, all users of information will be involved in maintaining security compliance; and
- proactive: vulnerabilities, threats, and security gaps will, to the largest possible extent, be detected, identified and managed to prevent security incidents.

1.6 Communication and training

The policy shall be communicated through a combination of different channels as appropriate.

This policy will also be communicated to external parties and suppliers and the Council will ensure that all relevant contract specifications include the compliance requirements from this information security policy.

Appropriate training and guidance will be provided to those covered by this policy.

1.7 Protectively marked information

Throughout the rest of the sections of the information security policy reference will be made to 'protectively marked information'. This is information which is specifically sensitive and/or confidential. Information on protective marking is in section 3.

Appendix 10

Fast Tracking of Capability Procedure

Following discussions with the employee as part of the informal stage of the capability procedure, it is clearly demonstrated that an employee has no possibility of responding to formal warnings and achieve an acceptable level of performance, or where their lack of capability creates an immediate danger to employee or public safety, or is having a serious impact on service delivery, the process can be fast tracked to the final stage of the capability procedure.

The extent to which the procedure can be shortened will vary, depending on individual circumstances. The decision regarding whether to shorten the procedure and to what extent it should be shortened will lie ultimately with the relevant Service Director, but any such decision must be taken in agreement with all parties i.e. the employee and the relevant trade union representative(s).

In all instances the Council will fully consider opportunities of redeployment.