

Sheffield City Council

Officers’ Code of Conduct, including appendices

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Officers’ Code of Conduct

This Code of Conduct applies to all non-school based employees. The Code of Conduct adopted by the relevant Governing Body will apply to employees within schools.

Section	Contents	Page No
1	Introduction	3
2	Public Duty, Private Interest, Fraud and Theft (i) General (ii) Financial Inducements, Gifts and Hospitality (iii) Employee Declaration of Financial and Other Interests.	4
3	Contractors	7
4	Relationships with prospective or current Contractors	7
5	Information Governance, Security and Social Networking	8
6	Use of Council Systems, Property and Facilities	8
7	Other Employment	9
8	Disclosure of Information, Confidentiality and References	9
9	Communications with the Media	10
10	Political Neutrality	11
11	The Local Community and Service Users	11
12	Recruitment and other Employment Matters	12
13	Equalities	12
14	Dress and Personal Appearance	13
15	Health and Safety	13
16	Criminal Convictions/Barring	13
17	Alcohol, Drugs and Substances	15
18	General Conduct	16
19	Date of Implementation	16
20	List of Appendices	16

1.0 INTRODUCTION

About this Code of Conduct

- 1.1 In the Code of Conduct, when we use the word “you” we mean a Council employee, casual worker, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.**

When we use the words “we” or “us”, we mean the Council.

- 1.2 This Code of Conduct for Employees is based on key principles. These principles are developed from the work of the Nolan Committee for standards in public life.
- 1.3 In the Code of Conduct you will find the minimum standards that all Council employees must keep to. These standards also apply to casual workers, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.
- 1.4 If you are an employee, this Code of Conduct is part of your terms and conditions of employment. Some parts of the Council may have their own Codes in addition to this one.
- 1.5 If your service area has its own Code, you should keep to that Code as well as this Code. You also need to follow any security policies or Codes of Practice that the council has.
- 1.6 We believe that you are responsible for your own actions. That means it is your responsibility to read the Code of Conduct, and any other Code which may apply to your job.
- 1.7 If there are any parts of this Code, or other Code, that you are unsure of or do not understand, you must ask your manager or someone in HR, to help you. This will ensure you are able to follow the Code.
- 1.8 You can find explanations for some of the words and phrases in this Code in the glossary section, on page 16 of this document.
- 1.9 This Code is not a full list of what you are expected to do or not to do. There may be other things that the Council will look at as misconduct, or gross misconduct. If there is anything that you are unsure about, please ask your manager or HR Adviser.
- 1.10 People who live in Sheffield expect you to have high standards of behaviour. If someone has suspicions that you could be influenced unfairly, this could damage confidence in the Council. You must not put yourself in a situation where anyone might think that you are dishonest.
- 1.11 The Council has the right to monitor employees. This includes surveillance. If the Council monitors employees in this way, it will keep within the laws that deal with monitoring.

1.12 You may have disciplinary action taken against you if you:

- Do not keep to this Code of Conduct.
- Commit a criminal offence.
- Do something we would classify as misconduct.
- Do something that may bring the Council into disrepute, whether during working hours or outside of them.
- Do not properly perform your duties as an employee.

Disciplinary action includes the possibility of being dismissed without notice being given.

1.13 This Code is in accordance with the rules in the Human Rights Act 1998.

2.0 PUBLIC DUTY, PRIVATE INTEREST, FRAUD AND THEFT

(i) General

- 2.1 Your duty as an employee and any interests outside your job must not conflict. If there is anything you are involved in outside of work which might affect your job, you must declare this to your manager. Read Declaration of Interests Policy (DO!) Appendix A
- 2.2 You must always do your job safely. To make sure you do not put the public, other employees or yourself at risk, you must follow Corporate and Directorate Health and Safety policies. You must also follow safe systems of work and any Codes of practice that apply to your job.
- 2.3 If you are a member of an organisation that:
- Is not open to the public
 - Requires formal membership and an oath of allegiance
 - Has any secrecy about its rules, the process of becoming a member, or conduct of members.
- 2.4 You must declare this in writing to your Head of Service or Director. See Declaration of Interests Policy **Appendix A**.
- 2.5 The Council has responsibility for the administration of public money. We emphasise to the public and to employees that we think honesty and that having proper control of finances is very important.
- 2.6 The Council is committed to the fight against fraud, whether an employee, a contractor, or a member of the public has committed the fraud.
- 2.7 You must not use the fact that you are a Council employee to obtain, gain directly or indirectly - for yourself, any business associates, your friends or your family. This is covered in the Council’s Anti-Bribery Policy in **Appendix B**.

- 2.8 As the Council is committed to the prevention and detection of fraud, we have a policy statement on Fraud and Corruption. This is shown in **Appendix B**.
- 2.9 We also have a Gifts and Hospitality Policy and Code of Practice. This is shown in **Appendix C**.
- 2.10 In addition to these two policies, we have a Whistleblowing Policy and Procedure, so that you can report any fraud or corruption more easily. This is shown in **Appendix D**.
- 2.11 If you are using public funds, you must use them responsibly, and you must keep within the law. You must make sure that we use our resources sensibly and legally, and that the community gets value for money.
- 2.12 You must keep to the rules within the Council’s Standing Orders and Financial Framework. The Standing Orders are available on the Council’s Internet site.
- 2.13 If you:
- Commit fraud against the Council, or any person or organisation, or try to.
 - Steal from the Council, or any person or organisation, or try to.
- 2.14 This will be considered misconduct and may be considered gross misconduct. This includes deliberately putting false information on time sheets, subsistence claims or mileage claims.
- 2.15 If you have concerns that someone is stealing, committing fraud or behaving in a way that might be unethical, you must report this to your manager, or someone named in the Whistleblowing Policy and Procedure. This procedure is shown in **Appendix D**.
- 2.16 We know that it is not always easy to report on the behaviour of other people. We will give you full support if you raise concerns. If you wish to remain anonymous, we will make every effort to respect this.
- 2.17 We know there are two sides to a story, and we will ensure hearings are fair.
- 2.18 Sometimes allegations will turn out to be wrong. If you deliberately make false or malicious allegations, this will be treated as misconduct.
- (ii) Financial Inducements, Gifts and Hospitality**
- 2.19 You must never accept a financial payment, bribes or inducement from any individual, body, or organisation. For example: payments or inducements from contractors, developers, or consultants. This is covered in the Council’s Anti-Bribery Policy in **Appendix B**.
- 2.20 To take financial payments or inducements is against the law. It is an offence under Section 117 of the Local Government Act 1972.

- 2.21 You must refuse any gift or hospitality offered to you or your family that others may think could influence you.
- 2.22 You may accept gifts of small value such as pens, diaries and calendars.
- 2.23 For further guidance on gifts, hospitality and inducements, you can read the Gifts and Hospitality Policy and Code of Practice. This is shown in **Appendix C**.
- 2.24 Any gifts or hospitality you have been offered, whether you have turned them down or accepted them, must be recorded. If you are unsure of the process of recording goods and hospitality in your service area, seek advice from your manager.

(iii) Employee Declarations of Financial and other interests

- 2.25 You have a legal duty to declare any financial or other interest in an existing or proposed contract. See Declaration of Interests Policy (DOI) Appendix A.
- 2.26 If the Council gives support in the community, through financial help or other help, you must make sure that any advice you give is fair and balanced. You must make sure that there is no conflict of interest.
- 2.27 You are free to use all Council services. If you do so, you will not be treated more or less fairly because you work for the Council.
- 2.28 Members of the public expect you to be fair and treat people equally, no matter who you are delivering services to.
- 2.29 You must make sure you don’t do anything in your job that might make people think you are being unfair or biased.
- 2.30 You must not try and obtain services in a different way to the public because you work for the Council. This includes putting pressure on colleagues to get services.
- 2.31 If you think there might be a conflict of interest, you must look at the Declarations of Interest Policy (DOI), **Appendix A**. If you are not sure, you should ask your manager to help you.
- 2.32 The Monitoring Officer will review any declarations that have been made every year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them every year.
- 2.33 The Director of Human Resources and Customer Services is responsible for making sure all the Employment Policies, Practices and Procedures that the Council has are kept to.

2.34 Every Head of Service, Director and Executive Director is responsible for monitoring their employees activities, making sure they have kept to this Code and any other Codes and made declarations when they need to. Any monitoring will comply with all relevant laws.

3.0 CONTRACTORS

3.1 As part of your job, you may be required to supervise or engage contractors or have an official relationship with them. If you have any work relationship with contractors, or potential contractors, you must tell your Head of Service or Director in writing if you have ever had a private or domestic relationship with the contractors.

3.2 The orders we place and contracts we give should be given fairly. This means that we must award orders and contracts based on merit and fair competition against other tenders. You must not show favouritism in doing this. For example, if your friends, partners or relatives run a business, you could not award them a contract unfairly because of this. You must not discriminate against anyone unfairly if you deal with tenders, evaluation or awarding contracts.

4.0 RELATIONSHIPS WITH PROSPECTIVE AND CURRENT CONTRACTORS

4.1 If you are involved in the process of tendering and dealing with contractors you should understand that being a client and being a contractor are two separate roles. If you have a client or contractor responsibility, you need to be open and accountable for your actions.

4.2 If you work in a contractor or client unit you must be fair and impartial when you deal with customers, suppliers and any other contractors or subcontractors.

4.3 If you have access to any information about contracts or costs for contracts that is not public, you must not disclose that information to anyone unauthorised.

4.4 You must make sure that you don’t show special favour to anyone who works for us or used to work for us when you award contracts. You must make sure you do not show special favour to anyone who is a partner, associate or relative of an employee when you award contracts.

4.5 If you are thinking about a ‘management buyout’, you must inform the Chief Executive as soon as you definitely intend to do it. You must also inform your Executive Director and Head of Service or Director. You must withdraw from doing any work for us that includes preparation, tendering, evaluation, and awarding contracts or orders.

4.6 If Competitive tendering is being carried out, and you are involved in the process, you must let your Head of Service or Director know when you are a member of an organisation that is interested in tendering. You must also let your Head of Service or Director know if you have affiliation to an organisation that is interested in tendering.

5.0 INFORMATION GOVERNANCE, SECURITY AND SOCIAL NETWORKING

- 5.1 You are responsible for the information you handle for or on behalf of the Council and must ensure it is safe from unauthorised access, use, alteration, disclosure or deletion.
- 5.2 You must comply with the Council’s information policies and take the time to read and understand the Information Governance and Security Policy ICT Acceptable Usage Policy and Data Protection Policy, see **Appendix E, F and G**. If you are unsure about these policies, you should speak to your manager in one to one discussions /supervision’. The Council also has Information Management Officers who can help.
- 5.3 You are personally responsible for content that you publish on-line and must follow the Social Networking Policy, **Appendix H**.
- 5.4 You must take time to read the Social Networking Policy and understand your responsibilities and behaviours expected, when using social networking in a personal or work capacity. Ask you manager if you are unsure about the Social Networking Policy and Guidance.
- 5.5 The City Council records the use of some electronic communication use in accordance with the law.
- 5.6 Failure to comply with Council policy and / or the misuse any City Council information or resources could result in disciplinary action.

6.0 USE OF COUNCIL SYSTEMS, PROPERTY AND FACILITIES

6.1 Anything that belongs to the Council, including:

- Telephones - including mobile phones, handsets, BlackBerry, smartphones
- Computers - including laptops, tablets, i-pads
- IT equipment – including monitors, cameras, memory sticks, hard drives
- Stationery
- Offices
- Car parks
- Vehicles
- Facilities

can only be used for Council business unless permission is given by management.

- 6.2 If, with your managers’ permission, you use a Council telephone or mobile telephone to make private calls or text messages, or send private faxes using a Council fax machine, you must pay for this through the approved systems in place. If you are unsure about how to pay for calls, speak to your manager.
- 6.3 The Council has systems in place that log telephone, email and Internet usage. These systems may be used to identify any usage for private purposes. We may monitor any

communications using Council systems. If we monitor your use of Council resources, we will do it within the law and Council policy.

6.4 You must keep to any Council system security measures.

7.0 OTHER EMPLOYMENT

7.1 If you do have any other employment whilst you are working for the Council, the work you do must not conflict with the interests of the Council or bring it into disrepute. You must only do other work outside of your working hours with the Council. You need formal prior permission of your manager to do any work outside your role with the Council. See **Appendix A: Declaration of Interests Policy**

7.2 If you do any work that is damaging to the interests or reputation of the Council, we may take disciplinary action against you, even if you have declared this work to your manager.

7.3 If you are a:

- School Governor
- Councillor for another Local Authority
- Member of a Voluntary Reserve Forces - Reservists and Adult Instructor of Cadets
- Justice of the Peace
- Member of an Employment Tribunal

These roles do not count as other employment. You should still make your manager aware of these duties and ask for any time off you need in a reasonable and timely manner. Unpaid voluntary work in the Community is not classed as other employment, but you still need to declare it to your manager, as there may be a conflict of interest with your Council job.

7.5 You can find further guidance on receiving payment or fees for other work in **Appendix F**.

8.0 DISCLOSURE OF INFORMATION, CONFIDENTIALITY AND REFERENCES

8.1 You should be fair and open when you deal with others. You should make sure that elected members and members of the public have access to information they need unless there is a good reason not to allow this, according to the Freedom of Information Act 2000.

8.2 You must act in accordance with the law when handling personal and other information. You must take special care when handling personal and confidential information, and never use it inappropriately. You may be prosecuted personally under the Data Protection Act 2018, so it is important you know what your responsibilities are. Please read the Council’s Data Protection Policy at Appendix F. If you are unsure about this, consult your manager. The Council also has Information Management Officers who can help.

- 8.3 You must not disclose any confidential, personal or financial information about an employee to an unauthorised person. You must not disclose any personal or financial information about an employee to any external agency without their approval. If you are not sure who is an authorised person, you should consult the Director of Human Resources and Customer Services.
- 8.4 If you are asked for personal information for a reference, for example for a job or mortgage application, you may provide information only after you confirm the identity of the enquirer. To do this, you can reply in writing to the enquirer, or call them back to make sure they are who they say they are.
- 8.5 If the request is for a reference for a colleague or ex-employee, only the employee’s line manager can provide an employment reference. Any employee may give a reference in a personal capacity. If you misrepresent the Council, this will be treated as misconduct.
- 8.6 You must not disclose confidential information to a third party. This includes information relating to:
- Competitive tendering or tendering for work.
 - Exempt items under Schedule 12A of the Local Government Act 1972
 - An employee, elected member or service user.
- 8.7 You must not use any information that you get in the course of your employment for personal gain, or give it to anyone else who may use it in this way.
- 8.8 If in the course of your job, you deal with someone you’re related to, or have a close relationship with, declare it to your manager. You must be fair and act in a professional way.
- 8.9 Inappropriate disclosure of confidential information can be considered misconduct, and may be considered gross misconduct which can lead to dismissal.

9.0 COMMUNICATIONS WITH THE MEDIA

- 9.1 All contact with the media that is about Council activities is handled by the Communications service, together with Heads of Service, Directors and Executive Directors. If you have an idea for a positive story about something the Council is doing, or if a journalist approaches you, you must contact the Communications Service to get approval before you give any information. This includes giving information verbally, through e-mail or in writing.
- 9.2 If you are writing something that will be published, and it doesn’t talk about the Council but does relate to your job, you should tell your Head of Service or Director before it is published. An example of this might be an article in a professional journal.

10.0 POLITICAL NEUTRALITY

- 10.1 You must not allow your personal or political opinions to interfere with your work. Some posts are “politically restricted”. If this applies to you, you should already have been told about the restrictions separately.
- 10.2 More information on this is available in **Appendix I**. If you need any more advice or information, ask your manager or HR Adviser.
- 10.3 You work to all elected members and must ensure their rights are respected. You must not be biased in dealing with members of one political group rather than another.
- 10.4 If your job requires you to advise political groups, you must make sure you take a neutral stance and point of view.
- 10.5 If you have contact with an elected member, whether work related or of a personal nature, you must keep to the Protocol for Member/Officer Relations.
- 10.6 If you are on Council business, you must not wear anything that shows you are in favour of or against a political party or a pressure group. You may not display any items showing political affiliation or opposition on your vehicle, or items like tools or other equipment.

11.0 THE LOCAL COMMUNITY AND SERVICE USERS

- 11.1 You must remember that you have a responsibility to people in Sheffield. You must make sure that you deliver services politely, efficiently and fairly to everyone in the community.
- 11.2 You should be as open as possible about what you do, and the work of the Council.
- 11.3 You must not do anything that might affect confidence in the Council.
- 11.4 You should make sure that you keep to the law and any other guidance.
- 11.5 We will not accept it if any employee physically or emotionally abuses a service user, member of the public or other employee. This includes any harassment, discrimination, victimisation or bullying.
- 11.6 We have an Equality and Diversity Policy. You must keep to this policy at all times.
- 11.7 If you act in this way it may be decided that is misconduct or gross misconduct, which can result in disciplinary action including dismissal.
- 11.8 When you work with young people or vulnerable adults you are in a position of trust. If you abuse that trust, it will be regarded as potential gross misconduct.
- 11.9 Any sexual misconduct or assault will be regarded as potential gross misconduct.

- 11.10 If you do not follow any policies or procedures meant to keep vulnerable service users or others safe, this will be regarded as potential gross misconduct.
- 11.11 Any act of gross misconduct may lead to disciplinary action and the possibility of dismissal without notice.
- 11.12 If you work with young people or vulnerable adults, you must read any relevant Codes of practice as well as this Code, and keep to them. You must keep to any relevant laws, such as the Children Act 1989 and the Child Protection and Adult Abuse Protection Procedures.
- 11.13 If you see any abusive behaviour, you must report it to your line manager, or use the Whistleblowing policy (see **Appendix D**) to report it.

12.0 RECRUITMENT AND OTHER EMPLOYMENT MATTERS

- 12.1 If you are involved in recruitment, you must take care not to discriminate against anyone, or in favour of anyone. You must keep to the Recruitment and Selection Code of Practice in full.
- 12.2 To make sure you are not acting unfairly, you must not be involved in any selection and appointment (for example, interviewing someone) when you are related to an applicant. You must not be involved in selection or appointment where you have a close relationship with an applicant- personal or business.
- 12.3 If you think there might be a conflict of interest, you must inform your manager or HR Adviser.
- 12.4 Decisions that you make at work should be fair and unbiased. You must not be involved with decisions to do with discipline, promotion, or pay for anyone who is related to you, or someone you have a close relationship with. This includes personal relationships and business relationships.
- 12.5 If there are any reasons why 12.1-12.4 should not be followed, or you need help and advice with what to do next, you should contact the Director of Human Resources and Customer Services.

13.0 EQUALITIES

- 13.1 You must at all times make sure you keep to the Council’s policies on equality, diversity and inclusion including behaving and working in a way which eliminates discrimination, harassment and victimisation, advances equality of opportunity and fosters good relations. See Dignity and Respect at Work Policy. **Appendix K**
- 13.2 All employees, customers, elected members, partners, trade union representatives, and members of the public must be treated in a way that creates mutual respect. You should promote equality, diversity and inclusion by providing an environment and services free from harassment, discrimination, victimisation and bullying and by treating people with

respect, regardless of their age, disability, race, religion/ belief, sex, sexual orientation or marriage/civil partnership.

- 13.3 At all times you must create an environment that, promotes fairness, equality, diversity and inclusion, promotes dignity and respect for all, recognises and values individual differences and the contributions of all and actively prevents and opposes intimidation, discrimination, harassment, bullying or victimisation.
- 13.4 The Equality Act 2010 provides the legal framework for the Council in relation to equality, diversity and inclusion.
- 13.5 Breaching equality policies and the law may be treated as misconduct, up to and including gross misconduct, which carries the possible penalty of dismissal without notice.

14.0 DRESS AND PERSONAL APPEARANCE

- 14.1 When you work for the Council, you are a representative of your service, and of the Council. You must dress in a way that is appropriate, or required, for your workplace and the work you are doing. You must be clean and tidy and make sure you have good personal hygiene.
- 14.2 If you are provided with clothing for uniform or health and safety reasons, you must wear it. This includes your name badge and other identity badges where provided.

15.0 HEALTH AND SAFETY

- 15.1 You have a responsibility to work safely and make sure your working environment is healthy and safe. You are required to keep to Corporate Health and Safety Policies. You are also required to follow any policy, regulations or Codes of practice on Health and Safety that apply to your Portfolio or area of work.
- 15.2 You must keep to any relevant Health and Safety laws.

16.0 CRIMINAL CONVICTIONS/ BARRING

- 16.1 Before you started working for us, you must have told us about any unspent criminal and unprotected spent convictions and cautions. If you have more than one conviction or caution the rules of declaration apply to each individually, rather than all having to be automatically disclosed

If you applied for a role which involves working with children and vulnerable adults and your job is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the 2013 and 2020 Amendment Orders you must have told us about all convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations that are not ‘protected’ as defined by the

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the 2013 and 2020 Amendment Orders before you started working for us.

For information on which convictions are protected visit www.gov.uk/dbs and <http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/>

If you do not have internet access or do not understand what this means to you please discuss this with your line manager.

You must tell us about :

- All unspent convictions
- Cautions relating to [specified offences](#) as listed by Government
- Cautions given less than 6 years ago (where individual over 18 at the time of caution)
- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions given less than 11 years ago (where individual over 18 at the time of conviction)
- Similar offences committed overseas and in other legal jurisdictions

16.2 If you are required, under the Act, to provide us with your Disclosure and Barring Service (DBS) Certificate, we will ask you to:-

- Complete a DBS Application Form
- Or give written permission for us to check your status on-line
- Or give permission for us to view your personal file of a previous/other role within the Council to check the outcome from a recent Enhanced DBS check.

You must bring in your DBS Certificate to show and discuss with us, when required

16.3 If you have been barred from working with children and/or vulnerable adults and you seek employment to do so, this is a criminal activity and against the law and you will be dismissed without notice and immediately reported to the Police Authority.

16.4 If your work involves driving, you must tell your manager about any driving offences, or pending driving offences.

16.5 If you use your own vehicle for Council Business and carry passengers, you must also tell your manager about any driving offences or pending driving offences.

16.6 When employed by us, you must tell your manager, if you have any criminal proceedings pending against you, if you are bound over, receive a conviction, formal caution, reprimand or warning.

16.7 Once employed by us, you must tell your manager immediately, if you know that you are on, or will appear on, one or both of the DBS barred lists.

- 16.8 If you do not tell us about these convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations, this may be treated as possible gross misconduct and might lead to disciplinary action – including the possibility of dismissal without notice.
- 16.9 If you work with young people or vulnerable adults and you believe that you are or might be thought of as a risk to these groups it is extremely important that you seek advice from your manager. If you do not disclose this, this may be treated as possible gross misconduct and might lead to disciplinary action – including the possibility of dismissal without notice.
- 16.10 If you work in a childcare role, as part of early or later years childcare provisions, or are directly involved in the line management of such provision, you must not be disqualified from working in such provision. Certain cautions, convictions, care orders may mean that you are automatically disqualified from such work.
- 16.11 You must complete a childcare disqualification declaration in relation to yourself and discuss with us when required.
- 16.12 You must tell your manager immediately, if you receive any convictions, cautions or other orders that may lead to your disqualification under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

17.0 ALCOHOL, DRUGS AND SUBSTANCES

- 17.1 While you are at work, you must be in a condition to do your job safely.
- 17.2 The effects of drinking alcohol cause you to perform your work less well. It is a health and safety risk. Because of this, you must not drink alcohol:
- Before you start work
 - During your working hours
 - During a lunch break from work
 - On any other break during your working day
 - At functions such as conferences within working hours.
- 17.3 If you drink alcoholic drinks at these times, this may be regarded as misconduct or gross misconduct, which could lead to dismissal.
- 17.4 If you use substances, illegal drugs, or prescription drugs that have not been prescribed for you, or are not taken in accordance with your physician’s directions, this will not be accepted. This may result in the Council contacting the police to report it. Use of illegal drugs or prescription drugs that have not been prescribed for you or are not taken in accordance with your physician’s directions before or during work, on breaks or at functions may be considered misconduct or gross misconduct, which could lead to dismissal.

17.5 If you are concerned that you may have a dependence on alcohol, drugs or any other substances, you are encouraged to seek help and advice from your General Practitioner and speak to your manager in confidence, who will discuss actions, that you could take to address the problem. See Alcohol, Drug and Substance Misuse Policy, Appendix L.

18.0 GENERAL CONDUCT

18.1 You must follow instructions, providing they are lawful. You must make sure you do not do anything that might affect the Council’s legal position. You should show respect for service users, colleagues and elected members.

18.2 We expect you to use good judgement, and take account of other people’s views. We expect you to take responsibility and decide your own view on any issue that comes up while you work for the Council.

18.3 If you need further information or advice about what to do in a situation, you should contact your manager, an HR Adviser or the Chief Internal Auditor.

18.4 You should read this Code together with the appendices, and any other Codes of Practice or policies that are about conduct or security.

19.0 DATE OF IMPLEMENTATION

Revised 4 September 2019

20.0 APPENDICES

- A Declaration of Interests Policy (*February 2016*)
- B Anti-Fraud and Corruption Policy Statement and Framework (including the Anti-Bribery Policy and Procedures) (*May 2018*)
- C Gifts and Hospitality Corporate Policy (*January 2018*) and Procedure (*April 2018*)
- D Whistleblowing Policy and Procedure (*June 2018*)
- E Information Governance and Security Policy (*July 2015*)
- F ICT Acceptable Use Policy (*June 2015*)
- G Data Protection Policy (*May 2019*)
- H Social Networking Policy (*July 2015*)
- I Other employment related to activities – fees (*July 2015*)
- J Politically Restricted Posts (*April 2015*)

- K Dignity and Respect at Work Policy (*August 2011*) and Procedure (*November 2018*)
- L Alcohol, Drug and Substance Misuse Policy (*July 2015*)

GLOSSARY TO CODE OF CONDUCT

Contractor- An individual, partnership, company or other service that has a contract with us to do or provide something. For example, to design, develop, manufacture, maintain or provide services.

Conflict of Interest- A conflict between private interests and your duties with the Council. This can exist whether or not money is involved, and whether the conflict is actual or just perceived.

Competitive Tender- Where several potential contractors are invited to prepare proposals to provide a project or service, on the basis of quality and price.

Disciplinary- Disciplinary action is action taken by an employer for violating policy or procedure (including the Code of Conduct). For more details on this, see the Council’s Disciplinary Policy.

Disrepute- To bring something into disrepute is to lower its reputation, damage its image.

Misconduct- Breaking the Code of Conduct, another Code or terms and conditions may be considered misconduct. There are different types of misconduct depending on the exact circumstances and consequences. The most serious type is **gross misconduct**. For more information on this, see the Council’s **Disciplinary Policy**.

Inducement- something that encourages you towards an action- an incentive. This could be money, food, gifts, or anything else that might benefit you. If you are offered or take something that people may think is an inducement, you could be accused of making decisions unfairly based on what you received.

Whistleblowing (also ‘whistle blowing’) - Revealing wrongdoing to someone in authority. For more information on this, see **Appendix D**, the Whistleblowing policy.

RELEVANT LAW

This section points to relevant law on some topics from the Code of Conduct. It should not be considered an exhaustive list as legislation frequently changes. If you are unsure about whether an action would be lawful, please investigate further.

Monitoring and Surveillance:

The Regulatory and Investigatory Powers Act, the Data Protection Act 2018, and the Human Rights Act 1998.

Use of IT Equipment:

The Data Protection Act 2018, The Obscene Publications Act 1959, The Computer Misuse Act 1980, The Theft Act 1968.

Equalities:

Equality Act 2010

APPENDIX A

Sheffield City Council

Policy and Procedure Declaration of Interest

Publication Date: February 2016

Author: HR Service



Declaration of Interest - Policy and Procedure

Policy

1. Introduction

- 1.1 All customers are entitled to the highest standards of fairness and equity from all employees providing our services. This Policy and Procedure exists to protect you and service users against any allegations of favour or disadvantage.
- 1.2 It is important that employees and the Council are protected from accusations of impropriety. Therefore an employee must declare any interest to their manager that they may have with any organisation, services, activity or person that may cause a direct or indirect conflict of interest with their employment or that may bring the Council into disrepute. To ensure this happens, all employees are to complete and submit an annual Declaration of Interest Form.
- 1.3 Employees are responsible for declaring any private interests relating to their public duties. You should declare both financial and non-financial interests including, where relevant, those of your spouse or partner or members of your family if you are benefiting from such arrangements.
- 1.4 Employees should declare if they are a member of an organisation, which is not open to the public
- 1.5 Employees should declare if they have any other employment, business or voluntary work
- 1.6 In many cases the interests may not create a conflict or the fact that they are known interests will allow the individual’s manager to ensure they are not placed in a position where conflict could arise.
- 1.7 It is not possible to give comprehensive examples or detailed definitions of everything that might give rise to a conflict of interest between their duties and these interests or their ability to carry out their role effectively
- 1.8 Where an employee does not have any interests to declare, they should complete the annual Declaration of Interest Form and submit a ‘nil return’.
- 1.9 Every Head of Service, Director and Executive Director is responsible for ensuring their managers and staff are aware of the need to make of interests or declaration of no interests. Any monitoring will comply with all relevant laws.
- 1.10 Any potential conflicts of interest will be recorded in accordance with the Declaration of Interest Procedure.

- 1.11 The Council’s Monitoring Officer will review any declarations (or a random selection of) that have been made each year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them each year.
- 1.12 If an employee fails to follow the requirements of this policy or procedure they may be subject to disciplinary action.
- 1.13 Any employee, who considers they have been unfairly treated under the terms of the policy, may raise a grievance under the Council’s Individual Grievance Procedure. The grievance should be submitted to their line manager or with the person making the decision.

2. Scope

- 2.1 This policy applies to all non-school based employees. The Policy adopted by the relevant Governing Body will apply to employees within schools.

3. General Declaration of Financial and Other Interests

- 3.1 Employees should ensure they declare financial interest in order to comply with their statutory duty under [Section 117 of the Local Government Act 1972](#).
- 3.2 As an employee of Sheffield City Council, you have a legal duty to declare any financial or other interest in an existing or proposed contract or any proposed or existing council activity or service which could cause potential conflict. This declaration includes involvement with voluntary organisations, which the council supports and/or services carried out for the council by its commercial partners, for example Capita, Kier, Amey and other similar partner organisations.
- 3.2 You have a legal duty to declare any interest or associations that may cause direct or indirect conflict with your work for the Council. You must declare interests in or associations with any organisation, service, and activity or person.
- 3.3 If the Council has sponsored an event or a service, you must inform your line manager if you may benefit from it in any way. You must also tell your line manager if you are aware that anyone connected with you will benefit from it (this includes your relatives, your partner or spouse, or any business associates you may have).
- 3.4 You must declare an interest if anyone connected with you will benefit from the position you hold in the Council. This includes your relatives, your partner or spouse, or any business associates you may have. This is to ensure the status gained from working for the council is not utilised to influence a member of the public’s choice when commissioning work or a service.
- 3.5 If you apply for a service or make representations for services on behalf of relatives, colleagues or friends or people with whom you have a close relationship, you must declare an interest where your employment position gives you significant influence.

3.6 You must also declare a personal interest, if you help someone you know from outside your job to:-

- Apply for a service that you have influence over or are responsible for
- Improve the chances of success of an agency within a tendering process

4. Declaration of Membership of Organisations Not Open to the Public

4.1 You must declare and provide information about any organisation in which you have a personal interest that is not open to the public which requires formal membership, oaths of allegiance and has secrecy about rules, membership or conduct.

4.2 The following is the Council’s definition of what constitutes a society with secret rules (secret society).

‘Any lodge, chapter, society, trust or regular gathering or meeting, which:

- a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and
- b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

4.3 A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

5. Declaration of Other Employment or Engagement in Other Business or Voluntary Work

5.1 If you have secured other employment or voluntary work whilst you are working for the Council, you must first complete a ‘Declaration of Interest Form – see procedure’. Your manager should respond within the agreed timescale and advise if there may be any possible conflict of interest before you commence the work. This includes paid work for another employer and working in a self-employed or business partnership basis.

5.2 If you do undertake other work, you must ensure the additional hours do not impact on your performance of your duties undertaken for Sheffield City Council.

5.3 When considering undertaking other work, consideration must be given to compliance with the statutory requirements of the Working Time Regulations. The council must be made aware of any additional work that could mean you exceed an average of 48 hours of work in total in a week.

- 5.4 Those undertaking additional work outside the authority must sign a Working Time Regulations ‘Opt out Agreement’ and to confirm they understand the health and safety implications of working excessive hours. This must be held on your personal file in HR Connect.
- 5.5 You must not refer to your role in Sheffield City Council in any promotional material, which may be used to assure members of the public or give credence to another organisation.
- 5.6 The Council accepts no liability for your other work or engagement in other business or voluntary work and will not be responsible for any payments, expenses or demands however incurred.
- 5.7 With regard to any other work or engagement in other business or voluntary work you are responsible for:-
- ensuring that you have the correct insurance; and
 - that you are registered with the relevant professional or regulatory bodies; and
 - that you pay any tax, national insurance, or other statutory payments due; and
 - for ensuring that you have the correct membership of trade or professional organisations; and that you comply with any statutory requirements or professional or trade codes of conduct.
- 5.8 There may be circumstances where the Council may need to retract permission, for example:-
- Where attendance or timekeeping is of concern and may be attributed to you undertaking other work
 - Where your performance falls below an acceptable standard and may be attributed to you undertaking other work
 - Where a new conflict of interest arises that previously did not exist or where a conflict later becomes apparent for any reason

6. Reporting of Declarations of Interest

- 6.1 If you think there might be a conflict of interest, you must speak to your line manager and follow the Declaration of Interest Procedure.

Procedure

1. On joining the Council, as part of your induction, you must complete a ‘Declaration of Interest Form’ to declare any interests or that you have no interests.

2. Each year, you will be asked to complete a ‘Declaration of Interest Form’ to ensure that your’ declaration of interests register’ is up-to-date.
3. If at any point during the year, your circumstances change, for example, you undertake other work or become aware of a potential conflict of interest, you must complete a new ‘Declaration of Interest’ Form. You must do this within 28 days of becoming aware of any new interest or change to any interest that you have previously registered
4. You can find this Declaration of Interest Form in your [MyView](#) account. Use the menu on the left to access the Form.

If you do not have access to the Intranet/MyView

If you do not have access to the intranet/ [MyView](#), you should discuss your application with your manager. If your manager is approving your request, your manager should complete your application in the MyPeople section of [MyView](#) with you present and will then approve and submit your application.

Your manager will print off the accepted form. You and your manager will sign that this information is a true and accurate record of your application. Your manager will then scan the signed form and email this to HRConnect.

5. For declarations relating to financial and other interests you must give an explanation as to the way you or someone connected with you may benefit.
6. For declarations relating to membership of an organisation not open to the public, you should provide information about the organisation, including details of the purpose behind the organisation, wherever possible. However, if this act would cause a breach in confidentiality or the organisation’s protocols, then you should discuss this with your line manager, who may need to seek further advice from Human Resources.

Additionally, the Council would expect that such membership would not be in conflict with your role with the Council. You should seek advice from your manager or Human Resources if necessary.

7. For declarations related to participation in other work or engagement in other business or voluntary work, you should provide details of the name of the organisation for which the work is undertaken and give a description of the activity concerned and the potential number of hours to be undertaken.
8. If you are in any doubt as to whether an interest constitutes a conflict (this could be an actual or potential conflict, or something that could be perceived to be a conflict by a third party) then you should declare the interest on the form and your manager will determine what action is appropriate.

9. If having considered all categories of interest as listed in 5-8 above, you do not have any interests to declare, then you should tick that you have ‘no interests to declare’ and submit this form.
10. Once you have completed and submitted the form, your manager will review this and prior to responding electronically to your request, your manager will arrange to discuss the application with you and if necessary seek further advice from Human Resources.
11. For the purpose of considering whether there is any conflict of interest, the Council may need to contact any other organisation or individual whose details you have provided on your Declaration of Interest Form or in any updated information that you have provided. Your line manager would seek permission from you first before this action takes place.
12. Your manager will then accept or reject your application and you will receive an email confirming this.
13. If your interest is accepted, this will be added to your electronic personal file. We will keep this in confidence in accordance with the requirements of the Data Protection Act 1998 and **will only** use this information to determine if a conflict of interest arises and/or for taking any necessary decisions or actions under this policy.
14. The Monitoring Officer will review any declarations (or a random selection of) that have been made each year to ensure adherence with the Policy and the Annual Governance Procedure.
15. If your registered personal interest changes, you must complete a new Declaration of Interest Form, as above.
16. All employees are to have an up-to-date Declaration of Interest Register.
17. If you have not registered any interests, which are found to conflict with your role in the Council, you may be subject to disciplinary action, up to and including dismissal.

APPENDIX B



Officers’ Code of Conduct Appendix B

Anti-Fraud & Corruption Policy Statement & Framework

Anti-Bribery Policy & Procedures

Publication Date: May 2018

Author: Finance & Commercial Services

1. Statement from the Chief Executive

Sheffield City Council takes its responsibilities to protect public funds very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. The Council has an ongoing commitment to continue to improve its resilience to fraud, corruption (including bribery and money laundering) and other forms of financial irregularity.

Underpinning all of the ambitions laid out in the corporate Plan, is the requirement for the Council to manage its resources effectively.

The public is entitled to demand the highest standard of conduct from our employees and members and it is essential that we are able to demonstrate this and maintain the public’s trust and confidence. Every pound lost to fraud or misappropriation is a pound which cannot be invested in our services. The Council has a zero tolerance environment in relation to fraud and corruption.

We are committed to the prevention, detection and investigation of potential fraud and corruption and, where proven, we will seek the strongest appropriate sanctions against those responsible and will recover any assets or funds obtained by fraud wherever this is possible.

It is the duty of each of us, as members and employees of the Council, to maintain standards as detailed in Codes of Conduct and I would encourage anyone to report any suspicions of fraud through appropriate channels.



John Mothersole
Chief Executive
(signature)



Sheffield City Council

Finance and Commercial
Services

**Anti- Fraud and
Corruption
Policy
Statement and
Framework**

Revised
May 2018



Anti-Fraud and Corruption Policy Statement

1. This Statement sets out Sheffield City Council’s (the Council’s) policy in relation to fraud and corruption. It has the full support of both the Council’s senior management in the form of the Executive Management Team (EMT) and elected Members through Audit and Standards Committee.
2. The Council takes its responsibilities to protect the public purse very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. To achieve the objectives set out within the Corporate Plan, the Council needs to maximise the financial resources available to it. In order to do this, the Council has an ongoing commitment to continue to improve its resilience to fraud, corruption and other forms of financial irregularity.
3. The Council advocates **strict adherence** to its anti-fraud framework and associated policies. A **zero tolerance** approach to all proven to fraud and corruption in all of its forms is taken. The Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors, partners, service users or members of the general public and will take all necessary steps to investigate all allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal, civil action for recovery and/or referral to the Police and/or other agencies. The required ethical standards are included in our Members’ Code of Conduct and Officers’ Code of Conduct, with both documents forming part of the overall Constitution of the City Council.
4. Sheffield City Council fully recognises its responsibility for spending public money and holding public assets. The prevention, and if necessary the investigation, of fraud and corruption is therefore seen as an important aspect of its duties which it is committed to undertake. The procedures and also the culture of the City Council are recognised as important in ensuring a high standard of public life.
5. The Council’s general belief and expectation is that those associated with it (employees, members, school governors, service users, contractors and voluntary bodies) will act with honesty and integrity. In particular members and employees are expected to lead by example and will be accountable for their actions.
6. The City Council will take steps to help ensure high standards of ethical behaviour are adopted in partnerships of which the City Council is a member. This will be done through applying appropriate elements of this framework to all partnership working, where it is relevant to do so. With regard to partnership working, responsibility for Codes of Conduct and policies of this nature (and so for enforcement action for breach of those codes or policies) generally lies with the relevant individual organisation in the partnership. Where appropriate, the City Council will draw the attention of the partner organisation to its concerns.

Anti-Fraud Framework

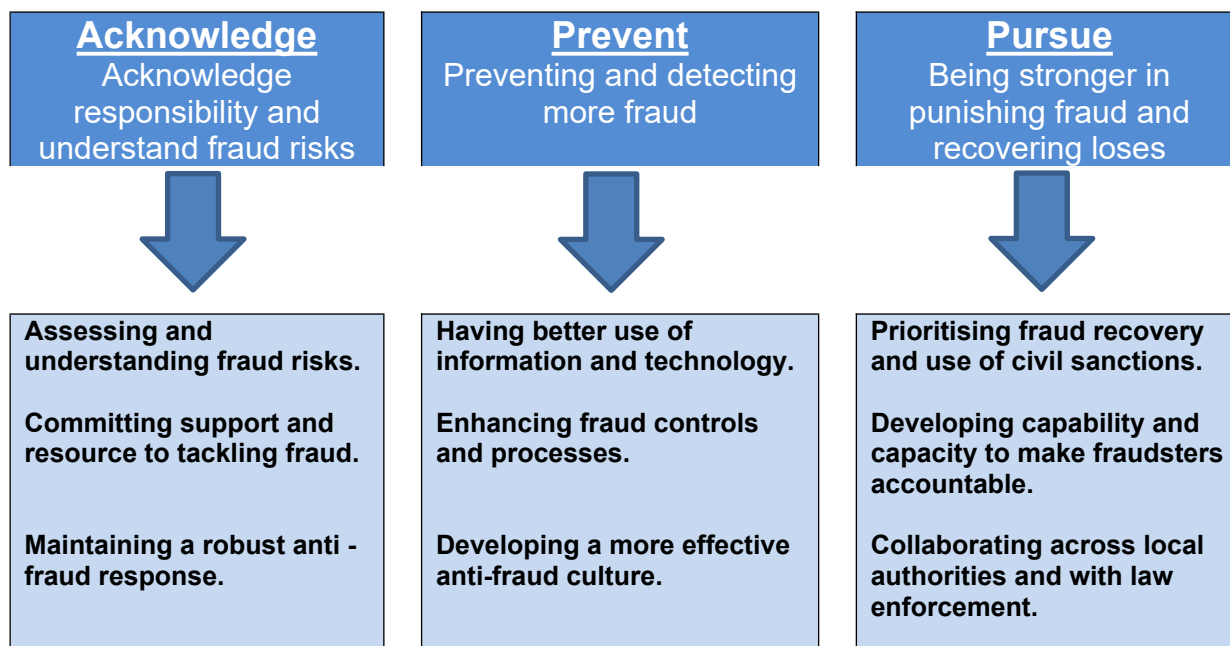
Introduction

1. This framework is designed to give an overview of the arrangements and policies regarding the anti-fraud work of the Council. It is supported by a number of additional documents which together allow the organisation to develop a broad and coherent approach to the prevention, detection and investigation of potential fraud and irregularities across the Council.
2. Sheffield City Council (the Council) advocates **strict adherence** to its anti-fraud framework and associated policies and adopts a **zero tolerance** approach to all forms of fraud, corruption and theft, arising both from within the Council and externally. The Council recognises that fraud and other forms of financial irregularity can:
 - Undermine the standards of public service that the Council seeks to achieve;
 - Reduce the level of resources and services available for the residents of Sheffield; and
 - Result in major consequences which reduce public confidence in the Council.
3. This framework defines both the proactive and reactive components of a good practice response to fraud risk management. It sets out the key responsibilities within the Council with regard to fraud prevention, what to do if fraud is suspected and the action that will be taken by management. The framework provides overarching governance to the Council’s suite of counter fraud policies and procedures which include: -
 - The Council’s Constitution
 - Members’ Code of Conduct
 - Officers’ Code of Conduct
 - Guide to Managing Fraud Risks
 - Fraud Response Plan
 - Financial Regulations
 - Financial Protocol
 - Financial Framework of Accountability
 - Contract Standing Orders
 - Financial Procedure Rules
 - Whistleblowing Policy
 - Gifts & Hospitality Policy
 - Policy on the Declaration of Personal Interests
 - Anti-Bribery Policy
 - Anti-Money Laundering Policy
 - Information Security Policy
4. This Strategy adheres to the CIPFA Code of Practice on Managing the Risk of Fraud and Corruption 2014 (the Code). The Code requires leaders of public sector organisations to have a responsibility to embed effective standards for countering fraud and corruption in their organisations, in order to support good governance and demonstrate effective financial stewardship and strong public financial management.

5. The five key elements of the CIPFA Code are:

Acknowledge the responsibility of the governing body – in the Council’s case Elected Members and the Executive Management Team – for countering fraud and corruption.	Acknowledge
Identify the fraud and corruption risks	
Maintain an appropriate anti-fraud and corruption strategy	Prevent
Provide resources to implement the strategy	
Take action in response to fraud and corruption	Pursue

6. Sheffield City Council has developed its Anti-fraud and corruption framework under these three key themes: Acknowledge, Prevent and Pursue, these form the basis of the Council’s work to reduce fraud.



What does the framework cover?

7. The framework covers the Council’s response to fraud, theft and corruption. It also covers the areas of bribery and money laundering.

The framework in practice

8. The Council has developed a framework of processes and policies which, when implemented appropriately, allow services to demonstrate that an anti-fraud culture is fully embedded into the operation of the Council. Below is a chart that shows how each of these documents mesh together to give the overall coverage and responsibilities of the Council towards fraud:

Acknowledge – Prevent - Pursue

Acknowledge	<p>The Council’s commitment to tackling fraud is clear. The Council has in place strong governance arrangements for dealing with fraud. The Chief Executive, Chief Financial Officer and Monitoring Officer along with the Executive Management Team of the Council, have overall responsibility to ensure that the Council has in place strong controls to prevent fraud. The Council’s Audit and Standards Committee allows Member oversight of these arrangements.</p>
	<p>The Council has in place the following documents that clearly lay out the Council’s stance on fraud and corruption and the expectations on individuals to act in an appropriate manner, as well as to report any instances of fraud or irregularity.</p> <ul style="list-style-type: none">• The Council’s Constitution.• Members’ Code of Conduct.• Officers’ Code of Conduct.
	<p>The Council has in place a number of policies covering specific areas which support officers and members in understanding the requirements on them in relation to the various expectations.</p> <ul style="list-style-type: none">• Gifts & Hospitality Policy.• Policy on the Declaration of Personal Interests.• Anti-Bribery Policy.• Anti-Money Laundering Policy.• Information Security Policy.
	<p>The Council has an eLearning package available to all staff on Fraud and Corruption. There is also a document to support schools in their understanding of the fraud risks that they face.</p>

Prevent	<p>The Council has in place a strong governance framework to ensure that anti-fraud controls are included in all of its financial systems and processes, these are:</p> <ul style="list-style-type: none"> • Financial Regulations. • Financial Protocol. • Financial Framework of Accountability. <p>There is also a requirement on all services to have in place robust processes to combat potential fraud. Increasingly computer controls are being introduced to prevent and detect fraudulent activity. These elements are designed into systems that are being developed with the Council.</p>
	<p>The Council has in place a robust risk management process which ensures that all risk pertaining to the delivery of its objectives are identified and managed at an appropriate level. To support this there is a Fraud Risk Guide for management to allow them to identify and manage any potential fraud risks that they face. Risk is reported to and overseen by the Executive Management Team and Audit and Standards Committee.</p>
	<p>All Directors are required to review their governance arrangements and report any issues as part of the Annual Governance Statement sign-off process.</p> <p>Internal Audit undertakes risk based reviews across the Council and will report any control deficiencies found. In addition they carry out a number of proactive fraud reviews in specific high risk areas each year in order to test the anti-fraud controls in place.</p>

Pursue	<p>The Council has a number of detective controls that are built into systems to allow it to detect or prevent fraudulent activity.</p> <p>It is a requirement of all staff contained within the Code of Conduct to report fraud and irregularities, so that these can be investigated.</p> <p>If the normal lines of communication are not appropriate, then the Council has a whistleblowing process in place that allows officers to report any issues with the appropriate safeguards in place.</p>
	<p>Where fraud is detected the Council has a comprehensive document “Fraud, Theft and Corruption Response Plan” to assist managers in the investigation of fraud issues. This is to be used alongside the Human Resources document that is used in all management investigations. There is support available from Internal Audit and Human Resources so that managers can be confident and consistent to their approach to investigating fraud. All outcomes are monitored for patterns and potential weaknesses in systems that may arise.</p>

The Council will, following a thorough investigation, report on the issues found and management will then undertake the appropriate levels of disciplinary. This will potentially be the dismissal of the employee for gross misconduct. All cases are investigated in line with best practice and any mitigating factors will be sought and taken into account in deriving the outcome. Any criminal activity will be reported to the appropriate authorities. Where a loss is identified, this will be pursued through the civil processes or insurance routes as appropriate.

Responsibilities

9. The table below shows the responsibilities of groups and individuals in relation to the Counter Fraud arrangements of the Council.

Stakeholder	Specific Responsibilities
Chief Executive	Accountable for the effectiveness of the Council’s arrangements for countering fraud and corruption.
Monitoring Officer	To advise Councillors and Officers on ethical issues, standards and powers to ensure that the Council operates within the law and statutory Codes of Conduct/Practice. Overall responsibility for the maintenance and operation of both Officers’ and Members’ Codes of Conduct, the Whistleblowing Policy and other policies. Provide guidance on whether a case should be referred to the Police.
Chief Financial Officer (S.151 officer)	Legal duties with regard to the proper administration of financial affairs including ensuring that the Council’s accounting control systems include measures to enable the prevention and detection of inaccuracies and fraud. The reconstitution of any lost records and a requirement for an adequate and effective internal audit of accounting records and of the system of internal control in accordance with the proper practices. .Additionally, they are the Head of Profession responsible for implementing appropriate measures to prevent and detect fraud and corruption.
Audit and Standards Committee	To monitor the adequacy and effectiveness of the arrangements in place for ensuring an adequate internal control environment and for combating fraud and corruption.
Elected Members	To comply with the Members’ Code of Conduct and related Council policies and procedures, to be aware of the possibility of fraud, corruption and theft, and to report any genuine concerns accordingly.

External Audit	Statutory duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, corruption and theft.
Senior Finance Manager (Internal Audit)	Responsible for developing and maintaining advice and guidance on the Council’s approach to managing the risks of fraud, bribery and corruption. Compiles a risk-based annual Internal Audit Plan designed to evaluate the effectiveness of the control environment. Responsible for ensuring that all suspected irregularities reported to them and are dealt with promptly and in accordance with this framework and that action is identified to improve controls and reduce the risk of recurrence. Advises on (or, where appropriate, conducts) investigations.
Executive Directors.	To ensure along with their Directors of Business Strategy that adequate fraud controls are in place and operating effectively for the portfolio that they control. They are also responsible for reporting any potential fraud or irregularities.
Directors/ Heads of Service	To promote staff awareness and ensure that all suspected or reported irregularities are immediately referred to the Director of Legal and Governance (Monitoring Officer) and the Chief Financial Officer (s151 Officer) via Internal Audit. To ensure that there are mechanisms in place within their service areas to assess the risk of fraud, corruption and theft and to reduce these risks by implementing strong internal controls. To provide assurance through the Annual Governance process that fraud controls are operating effectively
Sheffield City Council Staff	To comply with Council policies and procedures, to be aware of the possibility of fraud and corruption, and to report via the normal lines of reporting or Whistleblowing procedure (where appropriate) any genuine concerns to management or the Director of Legal and Governance (Monitoring Officer) or Chief Financial Officer (s151 Officer).
Public, Service Users, Partners Contractors etc.	To be aware of the possibility of fraud and corruption against the Council and to report any genuine concerns / suspicions.

Additional Information

10. In order to be able to implement this framework effectively a number of policies have been developed and are available on the intranet to support staff and managers, these include:

- Sheffield City Council’s Constitution

- Sheffield City Council’s Code of Conduct for Members
- Sheffield City Council’s Code of Conduct for Officers
- The Fraud reporting page
- The Council’s Whistle Blowing Policy
- The Council’s Guidance for identifying fraud risks
- The Council’s Fraud Response Plan
- The Council’s Anti-Money Laundering Policy
- The Council’s Anti-Bribery and Corruption Policy
- The Council’s Guide to Knowing your customer
- The Council’s Guide for Fraud in Schools

11. The Council also has a number of Corporate HR, IT and Finance and Commercial Services procedures which cover key areas of process and have controls to prevent or detect varied acts of fraud, these include (this is not an exhaustive list):

- Recruitment Processes
- DBS Checking
- Capability Procedures
- Disciplinary Procedures
- Business Travel and Subsistence Policy
- Gifts and Hospitality
- Declarations of Interest

- Information Governance Framework
- Information Governance Systems and Processes

- Risk Management Processes
- Procurement Processes
- Insurance Procedures
- Financial Framework

12. These primary policies are also underpinned by a number of other procedures which are built into processes at service level, with the aim of preventing or detecting fraud.



Sheffield City Council

Finance and Commercial
Services

Anti-Bribery Policy and Procedures

Revised
May 2018



Anti-Bribery Policy Statement

1. This Statement sets out Sheffield City Council’s (the Council’s) policy in relation to bribery. It has the full support of both the Council’s senior management in the form of the Executive Management Team (EMT) and Elected Members through the Audit and Standards Committee.
2. The Council takes its responsibilities to protect finances very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. To achieve the objectives the Council needs to maximise the financial resources available to it. In order to do this, the Council has an ongoing commitment to continue to improve its resilience to fraud, corruption (including bribery) and other forms of financial irregularity.
3. The Council advocates **strict adherence** to its anti-fraud framework. This is a series of separate but related documents on the following areas, all of which can be found on the Council intranet.
 - Anti-fraud and Corruption Strategy
 - Fraud Risk
 - The Fraud response plan
 - Anti-Bribery Policy
 - Anti-Money Laundering Policy
 - Whistle Blowing Policy
4. Whilst individual circumstances of each case will be carefully considered, in the majority of cases there will be a zero tolerance approach to fraud and corruption (including bribery) in all of its forms. The Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors, partners or service users and will take all necessary steps to investigate all allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal, civil action for recovery and/or referral to the Police and/or other agencies. The required ethical standards are included in both the Members’ Code of Conduct and Officers’ Code of Conduct, both documents form part of the overall Constitution of the City Council.
5. The Council fully recognises its responsibility for spending public money and holding public assets. The prevention, and if necessary the investigation, of fraud and corruption (including bribery) is therefore seen as an important aspect of its duties which it is committed to undertake. The procedures and also the culture of the Council are recognised as important in ensuring a high standard of public life.
6. The Council's general belief and expectation is that those associated with it (employees, members, school governors, service users, contractors and voluntary bodies) will act with honesty and integrity. In particular members and employees are expected to lead by example and will be accountable for their actions.

7. The Council will take steps to help ensure high standards of ethical behaviour are adopted in partnerships to which the Council is a member. This will be done through applying appropriate elements of this document to all partnership working, where it is relevant to do so. With regard to partnership working, responsibility for Codes of Conduct and policies of this nature (and so for enforcement action for breach of those codes or policies) generally lies with the relevant individual organisation in the partnership. Where appropriate, the Council will draw the attention of the partner organisation to its concerns.

Introduction

1. The Bribery Act 2010 came into effect from 1st July 2011 and replaced common law offences and the Prevention of Corruption Acts 1889-1916. The legislation was introduced to counter the threat that bribery poses to democracy, the rule of law, emerging economies and the operation of free markets. The legislation is not intended to impose burdensome procedures on organisations and places proportionality as a core principle.

What is Bribery?

2. Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

Objective of this policy

3. This policy lays out the Council’s stance on bribery. The Council is explicit in that it will not offer bribes or improper inducements to anyone for any purpose nor will it accept bribes or improper inducements.
4. This policy provides a framework to enable employees and members to understand and implement arrangements enabling compliance. In conjunction with related policies referred to below, it will enable employees and members to identify and report a potential breach.
5. We require all staff, including temporary agency staff and all contractors and their employees working on behalf of the Council and all elected members to:
 - act honestly and with integrity at all times and to safeguard the Council’s resources for which they are responsible; and
 - comply with the spirit, as well as the letter, of the laws and regulations in respect of the lawful and responsible conduct of activities.
6. The Council’s Officers’ Code of Conduct provides the minimum standards to which all employees are expected to keep. Section 2 relates to public duty, private interest, fraud and theft states “You must never accept a financial payment, bribes or inducement from any individual, body or organisation. For example: payments of inducement from contractors, developer or consultants”.

Scope of this policy

7. This policy applies to all of the Council’s activities. For strategic partners, contractors and suppliers, we will seek to promote the adoption of policies consistent with this policy.
8. Within the Council the responsibility to control the risk of bribery occurring rests at all levels. It does not rest solely within assurance and audit functions, but is embedded in all services of the organisation and members exercising their Council functions.

9. This policy covers all staff at all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, members (including independent members), volunteers and consultants.

Summary of Bribery Act

Definition

10. The Bribery Act contains two general offences and two further offences which address commercial bribery.

11. The four criminal offences created by the Bribery Act 2010:

- bribery of another person (section 1) to induce or reward them to perform a function improperly
- requesting or accepting a bribe (section 2) as a reward for performing a function improperly
- bribing a foreign official (section 6) to gain a business advantage
- failing to prevent bribery (section 7)

General offences

The offering, promising or giving of a bribe (section 1).

The requesting, agreeing to receive or accepting of a bribe (section 2).

12. These offences may apply where it is intended to bring about improper performance by another person of a relevant function or activity or to reward improper performance.

13. In summary, improper performance is defined as; performance which amounts to a breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust.

14. The general offences apply to any function connected to business or of a public nature and therefore covers both private and public sectors.

Commercial offences

Bribery of a foreign public official in order to obtain or retain business or an advantage in the conduct of business (section 6).

Failing to prevent bribery on behalf of a commercial organisation (section 7).

15. The term foreign public official includes elected or appointed officials that hold a legislative, administrative or judicial position of any kind of a country or territory outside of the UK.

16. The Act does not intend to criminalise bona fide hospitality, promotional or other business expenditure to improve commercial image or establish cordial business relationships. It is clear that these can be employed as bribes, however, for an offence to be committed there

must be an intention for the financial or other advantages to influence the official’s role thereby securing business or business advantage.

17. A commercial organisation will be liable to prosecution if a person associated with it bribes another person intending to obtain or retain business advantage for that organisations (is or it would be guilty on an offence under sections 1-6).

18. The Government expects that this offence will apply to incorporated organisations or partnerships that engage in commercial activities irrespective of the purpose for which profits are made – this includes educational or public functions.

A person associated with an organisation is defined as a person who performs services for or on behalf of an organisation. Guidance provides that contractors and suppliers may be included as “associate persons”.

19. The last offence – section 7 is a corporate offence of failure by a commercial organisation to prevent bribery intended to obtain or retain business, or an advantage in the conduct of business. An organisation will have a defence to this offence if it can show that it had in place **adequate procedures** (see below) designed to prevent bribery by or of persons associated with it. The standard of proof required by an organisation to prove the defence is balance of probabilities

Penalties

20. An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 12 months or to a fine not exceeding £5,000, or to both
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both

Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

Facilitation Payments

21. These are small bribes paid to facilitate routine Government action and may trigger an offence under section 6 or section 1 (and therefore under section 7) when intended to induce improper conduct. The Bribery Act does not provide any exemption for such payments although it is recognised that eradication in some parts of the world is a long term objective. Prosecution of facilitation payments in England and Wales is referred to the Director of the Serious Fraud Office and the Director of Public Prosecutions.

Anti-Bribery procedures

22. It is for the Council to determine the anti-bribery procedures that it puts in place proportionate to the risk it faces. The procedures applied by other organisations may therefore differ depending upon the scale of challenges that they encounter.
23. The Government recommends that the Anti-bribery procedures should be informed by 6 non prescriptive principles. These are described below together with the associated procedural arrangements applied by the Council to prevent the offering or acceptance of bribes and improper inducements.

Principle 1 – proportional procedures.

24. The procedures implemented by the Council are proportionate to the risk of bribery that it faces and are practical, accessible and enforced. Anti-bribery procedures operate through a variety of policies and other internal controls that apply to Council employees, agents and representatives.

These controls include:-

- Standing Orders (decision making and procurement procedures)
- Financial Regulations and Protocol
- Financial Procedures
- Officers’ Code of Conduct
- Code of Conduct for Members
- Gifts and Hospitality Policy / code of Practice
- Risk Management Policy
- Statement on Fraud and Corruption
- Recruitment Policy
- Annual Governance Statement
- Whistle Blowing Policy
- Procurement procedures and contractual terms and conditions.

25. The Council (in line with the transparency code) also publishes the details of all individual payments to suppliers and other organisations over £250 in value on a monthly basis that are paid through creditors and details of all payments made by procurement cards.

Gifts and Hospitality policy

26. The Council’s policy on Gifts and Hospitality forms part of the Officers’ Code of Conduct and states that Council employees must not accept gifts, loans, fees and rewards from any person or organisation in particular those who may potentially expect to receive and advantage or benefit in return. This includes gifts, loans, fees and rewards from contractors, outside suppliers or members of the public. Breaches of this policy may be viewed as gross misconduct and be subject to disciplinary procedure.

27. The Policy/Code of Conduct includes guidance on incidental gifts and hospitality that may be accepted and provides that all offers of gifts, hospitality and inducements should be recorded on the appropriate form and retained by the relevant Head of Service.

28. The Council is undertaking some work overseas to seek potential inward investment. The Council is developing a policy to underpin the guidance given to staff in this area regarding not only gifts and hospitality received but also gifts and hospitality provided by the Council. A record of this activity is agreed and signed off by the relevant Head of Service.

Principle 2 – Top-level commitment

29. The Council’s Executive Management Team (EMT) has maintained a consistent message that acts of impropriety are unacceptable. The Council has in place a Statement on Fraud and Corruption that contains a statement from the Chief Executive expressing a zero tolerance environment in relation to fraud and corruption. The Statement on Fraud and Corruption forms part of the Officers’ Code of Conduct.

Sheffield City Council’s commitment to action

30. Sheffield City Council commits to:

- Setting out a clear anti-bribery policy and keeping it up to date
- To having clear, up-to-date date policies on gifts and hospitality
- Making all employees and members aware of their responsibilities to adhere strictly to this policy at all times
- Enabling all employees and members to recognise and avoid the use of bribery by themselves and others
- Encouraging its employees and members to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
- Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- Taking firm and vigorous action against any individual(s) involved in bribery
- Providing information to all employees and members on how to report breaches and suspected breaches of this policy
- Maintaining appropriate clauses in contracts to prevent bribery.

Principle 3 – Risk Assessment.

31. The Council has in place a formal risk management process to assess and document its exposure to risk, the acceptable level of risk appetite and/or mitigating actions that have been implemented to control risk.

32. Each Service Director is required to sign an Annual Governance Statement (AGS) that contains assurance on the application of risk management, fraud risk management and

procurement arrangements amongst others. The Annual Governance Statements will make specific reference to Anti-Bribery Policy within the risk management context.

33. The Council recognises that it works and contracts with external organisations in sectors that may be susceptible to acts of bribery. Through the application of procurement and risk management procedures the Council will assess and mitigate the exposure to the risk associated with bribery. Where a risk of bribery is identified, managers will document the risk and appropriate mitigating controls within their Service Risk Management Plans in accordance with the risk management framework.

Principle 4 – Due Diligence

34. The Council applies proportionate due diligence processes in respect of persons and organisations that perform or will perform services on its behalf to mitigate the risk of bribery. The Council’s recruitment policy contains mandatory pre-employment checks that must be completed before a formal, contract of employment can be issued. A bribery clause is contained in the standard terms and conditions of any new contracts entered into by the Council.

Principle 5 - Communication

35. The Council has embedded and communicated to staff a range of policies and procedures to deter and detect fraud and corruption. The tone of internal communication has been to consistently condemn acts of irregularity and to establish a culture where employees are encouraged to report any suspicions and inappropriate behaviour. Communication methods include induction training, fraud awareness, staff briefings and intranet articles. An in-house fraud awareness eLearning facility has been introduced and includes information on the Bribery Act.

Principle 6 Monitoring and Review.

36. Internal Audit maintains ongoing scrutiny of the Council’s internal control framework as determined by application of a risk based planning process and consultation with senior management. The activities of Internal Audit are reported to the Audit and Standards Committee. In addition each Service Director is required to sign off their AGS to verify that the service has adequate levels of internal control. This is done on an annual basis. Where any areas of noncompliance are identified, the service has to formulate a plan of action to correct these deficiencies and allocate responsibility for ensuring that they take place within the required timescales. This is then monitored.

Staff responsibilities

37. It is the responsibility of all personnel employed by or acting on behalf of the Council to report any concerns that someone may be committing fraud or behaving in a way that is unethical, this includes the offering or acceptance of a bribe. Reports can be made via an employee’s line management or any or the contacts listed in the Whistleblowing Policy and

Procedure. The Whistleblowing Procedure explains the protection that is afforded to the person reporting concerns and how the concern will be handled.

38. All personnel should therefore:

- Read, understand and comply with this policy.
- Report any actions that may conflict with this policy.

Further Information

39. If you have any questions about this policy you should contact your line manager or alternatively contact Internal Audit.

Other relevant policies

40. Further information on relevant Council policy and practice can be found in the following internal documents:

- The Constitution
- Members Code of Conduct
- Officers Code of Conduct
- Anti-Fraud and Corruption Policy
- Confidential Reporting Procedure Whistleblowing Policy
- Gifts & Hospitality Policy
- Anti-Money Laundering Policy

Useful links

- The Bribery Act 2010
- Bribery Act guidance
- CIPFA’s Code of Practice on Managing the Risk of Fraud and Corruption
- Local Government Fraud Strategy – Fighting Fraud Locally

APPENDIX C

GIFTS AND HOSPITALITY

CORPORATE POLICY AND PROCEDURE

(Version 0.2.2
Revised January 2017)

The purpose of this document is to clearly inform employees of the policy and procedure in relation to offers of gifts and hospitality from any source.

1. Policy

- 1.1 The City Council’s Code of Conduct states that the public is entitled to demand of a local government employee conduct of the highest standard. Employees’ actions must not be influenced by offers of or provision of gifts or hospitality and their actions must not give the impression that they have been influenced in this way whilst acting in an ‘official capacity’.
- 1.2 Council employees must not accept or provide gifts, loans, fees or rewards from or to any person or organisation in particular those who may potentially expect to receive an advantage or benefit in return. This includes gifts, loans, fees or rewards from contractors, outside suppliers, service users or members of the public. However, some incidental gifts or hospitality can be accepted or provided, as detailed in this Policy & Procedure
- 1.3 This Policy & Procedure applies to all employees of the City Council, including Executive Directors and the Chief Executive.
- 1.4 If an employee fails to follow the requirements of this policy or procedure they may be subject to disciplinary action. .

1.5 Definitions

For the purposes of the policy external parties shall include but not be limited to:

- Contractors or suppliers
- Potential contractors or suppliers involved in a tendering process
- Service users
- Customers

Gifts shall be understood to mean:

- Any personal, material and/or financial advantage or reward.

Hospitality shall be understood to mean:

- An offer of food, drink, invitation to events, travel and/or accommodation

Examples

Examples of gifts and hospitality are but not limited to:

- Bottle of wine or any kind of alcohol
- Box of chocolates
- Hamper
- Invitation to a meal at a restaurant
- Electrical equipment
- Cash or cash equivalent (such as gift certificates or vouchers)
- Tickets to a show
- Invitation to a sporting event
- Round of golf
- Offer of use of a holiday home
- Offer to have accommodation and/or travel paid for by an external party

2. Scope

- 2.1 This policy applies to all non-school based employees. The Policy adopted by the relevant Governing Body will apply to employees within schools.

3. Principles

- 1.1 Employees must maintain a good working relationship with their customers including service users and the public avoiding favouritism towards any group or individual in the course of their work.
- 1.2 Employees must act with integrity at all times.
- 1.3 If it is suspected that a contractor, outside supplier or other person/organisation is acting in an improper manner, employees should report it to their line manager as a matter of urgency.

2. Process

2.1 Receiving Gifts

- 2.1.1 Without causing offence, employees should discourage service users or other organisations from offering gifts. However, where small gifts up to the individual value of £10, e.g. chocolates, calendars etc. are given as thanks for service provided, for example from a customer or person in residential care they can be accepted including multiple gifts from different individuals where each gift has a value of £10 or less.

- 2.1.2 If gifts have a higher value than £10, employees should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, the senior manager should dispose of them to charity and record this fact.
- 2.1.3 All gifts **above a value of £10** should be registered on the appropriate form (Form A), even if the gift is returned. Please see 5.1 of this policy & procedure.
- 2.1.4 Gifts of cash should not be accepted.

2.2 Receiving Hospitality

- 2.2.1 Employees may accept incidental hospitality, such as light refreshments, tea or coffee, as offered at a visit, conference, meeting or promotional exercise.
- 2.2.2 Where other than incidental hospitality is offered by an existing or potential contractor or by an organisation likely to be involved in a contract, the hospitality should be refused. Employees should not accept invitations to social events from individuals or organisations that they have involvement with through work to avoid conflict of interest regarding both parties unless authorised by Head of Service
- 2.2.3 Invitations to social events offered as part of normal working life, e.g. opening celebrations, annual dinners, may be accepted if authorised by the appropriate Head of Service.
- 2.2.4 Invitations to any types of hospitality that are of no benefit to the Council, e.g. sporting events, must not be accepted.
- 2.2.5 All offers of hospitality, other than incidental, must be registered on the appropriate declaration form – Form A please see section 5.1 of this procedure.

2.3 Inducements

- 2.3.1 Employees must not accept inducements, e.g. a bribe.
- 2.3.2 All offers of inducement must immediately be reported to the appropriate senior manager and be registered as per section 5.1 of this policy & procedure.
- 2.3.3 The Bribery Act 2010 highlights two specific types of bribery that could lead to the prosecution of the council;

The liability to prosecution if a person associated with it bribes another person, where an associated person is one who performs services on or behalf of the organisation;
and

Bribery of a foreign public official, where an official is one who holds a legislative, administrative or judicial position in a territory or country outside the UK.

4.4 Giving Gifts & Hospitality

4.4.1 Staff may:-

Give gifts of a minimal value (such as items to promote the city);

With prior management approval (by someone not attending the event), provide meals and other entertainment at venues outside the Council, provided that the expenses are kept at a reasonable level. For the avoidance of doubt, the per capita cost of a meal should not exceed £50 and would normally be much less;

Provide other hospitality where this is agreed in advance.

3. Procedure

- 3.1 All gifts or hospitality (other than incidental) with a value individually of **more than £10** must be entered on Gifts & Hospitality Declaration – Form A). You can find this declaration form in your MyView account.

If you do not have access to the Intranet/MyView

If you do not have access to the intranet/MyView you should discuss your declaration with your manager.

Your line manager can complete the declaration for you in the MyPeople section of MyView with you present and submit the form. Your manager will then print off the submitted form.

You and your manager will sign that this information is a true and accurate record of your application.

The completed form will then be passed on to the relevant Section Head.

- 3.2 Section Heads will keep completed Declaration Form A’s as a register of offers.
- 3.3 A report to Portfolio Leadership Team will be presented in April annually summarising the information.
- 3.4 Where gifts, hospitality or inducements are offered to the Head of Service, the Declaration form submitted via MyView will go to the appropriate Executive Director for approval.
- 3.5 Where gifts, hospitality or inducements are offered to the Executive Director, the Declaration form submitted via MyView will go to the Chief Executive for approval.
- 3.6 A central record of all gifts, hospitality or inducements offered/made, declined or accepted by Executive Directors or the Chief Executive will be maintained by the Chief Executive.

- 3.7 If any employees are uncertain how to deal with an offer of a gift or hospitality, he/she should contact their manager.
- 3.8 If an employee’s interpretations of this policy & procedure and/or their actions are called into question, it is the responsibility of the appropriate manager to investigate whether the person acted in good faith according to their understanding of the policy & procedure.

Sheffield City Council

Whistleblowing Policy
(June 2018)

See it - Say it



Whistleblowing – Public Interest Disclosure

1 Introduction

Sheffield City Council is committed to the highest standards of ethics, transparency, integrity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the proper use of public funds and the standards required in public life. If you feel that this is not happening then you need to tell us, we call this Whistleblowing.

We have a Whistleblowing policy to enable employees to raise matters of concern that are in the public interest so that they may be investigated and where appropriate acted upon.

Whistleblowing is legally known as qualifying disclosures. This is where an employee reasonably believes (and it is in the public interest) that one or more of the following is either happening, has taken place, or is likely to happen in the future:

- A criminal offence.
- A failure to comply with any legal obligation.
- Fraud, theft or corruption.
- A danger to the health and safety of any individual (including risks to the general public as well as other employees).
- Damage to the environment.

‘Public interest’ means that whistleblowing cannot be used to challenge financial and business decisions properly taken by Sheffield City Council or to seek reconsideration of any matter already addressed under other internal procedures e.g. grievance, disciplinary, dignity and respect.

Sheffield City Council has a designated Monitoring Officer, this is the Director of Legal and Governance and Monitoring Officer, who has a statutory duty to consider issues, which have or may result in Sheffield City Council being in contravention of the law or code of practice. As the Monitoring Officer has overall responsibility for the maintenance and operation of this policy they will receive an updated log of whistleblowing complaints on a quarterly basis including details of complaints received, action taken and analysis of trends. The Monitoring Officer will also provide information relating to whistleblowing issues and trends to the Council as appropriate.

2. Your Protection

Where an employee raises a concern that they reasonably believe, and is in the public interest, then they are protected under the Public Interest Disclosure Act 1998 even if the belief is later found to be mistaken. This is regarded as a protected disclosure and as such the individual will not suffer any form of punishment as a result of this disclosure for example losing their job or victimisation.

3. How to raise a concern.

There are a number of ways to raise a Whistleblowing concern and you can choose the one that suits you however please ensure that you state you are raising your concern under Whistleblowing. You can do this verbally, in writing by a letter or email. However if you choose to use email, please take extra care to make sure that your message is sent to the correct person and be aware that, due to the nature of email it may be read by other people. To make sure that your concerns are handled quickly, mark the subject box:

Whistleblowing – confidential – recipient only.

a) Raise it with your Supervisor, Manager or a more Senior Manager in your Service.

It is expected that many concerns will be raised openly with supervisors or managers as part of day to day practice. You can do this verbally or in writing by a letter or email. If your concern relates to your line manager then you should raise your concern with another manager within your service or choose another route to do so.

b) Raise it directly with a Whistleblowing Co-ordinator.

You can raise your concern directly with a Whistleblowing Co-ordinator whose role is to receive complaints relating to their specific professional area.

Human Resources

Lynsey Linton	Head of Human Resources	07816181838
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Legal

Steve Eccleston	Assistant Director of Legal & Governance	273 5012
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Finance

Dave Phillips	Head of Strategic Finance	273 5872
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Health, Safety and Well-Being

Gary Lund	HR Service Manager	27 34082
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Safeguarding

Simon Richards	Head of Quality and Safeguarding	07790805029
Victoria Horsefield	Assistant Director	27 34450

c) Raise it with a Contact Advisors.

Sheffield City Council has trained and prepared Contact Advisors, who are also employees, and can be a point of contact for you as an alternative to your supervisor or manager. Contact Advisors are not a point of long term support for employees and will not be involved in the investigation process. They will give advice and signpost you to the appropriate route for raising your concern.

Contact Advisors can be contacted by telephone <http://intranet/employment/behaviour-and-relationships-at-work/dignity-and-respect/contact-advisers>

d) Raise it with external organisations.

If you feel unable to raise your concern internally or if you are not happy with the outcome of the internal investigation you can raise this with the appropriate agency:

- Your local Council member (if you live in Sheffield)
- Relevant professional bodies or regulatory organisations
- A Solicitor
- South Yorkshire Police
- Other bodies prescribed under the Public Interest Disclosure Act, e.g.
 - Information Commissioner’s Office
 - Serious Fraud Office
 - The Environment Agency
 - The Health and Safety Executive
 - Sheffield City Council’s External Auditor

If you do take the matter outside Sheffield City Council you need to ensure that you do not disclose confidential information and you should contact the HR Consultancy and Advice Team for advice.

You are also able to raise any whistleblowing concerns with your trade union representative.

Anonymous Whistleblowing Concerns

All disclosures within Whistleblowing will be treated in a confidential and sensitive manner. If required, the identity of the employee raising the concern will be kept confidential for as long as possible provided that this allows for an effective investigation and we will not disclose your identity until we have discussed this with you. However should your concern result in your evidence being needed in any external process for example in court or an employment tribunal then we will be unable to keep your identity confidential and we will discuss this with you.

If you do not tell us who you are when raising a Whistleblowing concern it will be much more difficult for us to look into the matter, protect your position or give feedback on the disclosure.

4. What will happen when you raise a Whistleblowing Concern.

Concerns raised under this procedure may be resolved by the person that you raise them with.

Step 1 Verification.

The Manager/Whistleblowing Co-ordinator will meet with you to clarify the facts of your concern. This is known as a verification meeting this will be held within 5 working days of you raising your concern. As with all City council procedures you have the right of representation at all meetings, which can either be a Trade Union representative or another employee of Sheffield City Council who is not involved in the area of work to which the concern relates and who also could not be called as a witness.

There are three possible outcomes to the verification stage:

- There are no grounds for proceeding further. You will be informed of this in writing with the reasons for no further action needed.
- The matter falls within another procedure. You will be advised of the relevant procedure and this will be referred to the relevant Manager for action.
- An investigation will be commissioned into your concerns.

Step 2 Investigation.

The Manager/Whistleblowing Co-ordinator will appoint an Investigating Manager and Investigation Team who are not from the same service in which the concerns are about. The Investigation Team will have access to an HR Consultant who will provide professional advice on the conduct of the investigation and procedural issues. The investigation will be carried out as quickly as possible whilst being mindful of the nature and complexity of your concern.

The Investigating Manager may ask you to put your concerns in writing and provide as much evidence as possible. It may also be necessary to interview you and provide a witness statement which you will be asked to confirm that it is accurate and complete.

If you would like more information on how and investigation are conducted follow this link
<https://myteam.sheffield.gov.uk/HRPoint/PublicLibrary/Forms/Conduct.aspx>

Step 3 Outcome.

As the employee raising the concern you will be kept informed as to the handling of the matter throughout the investigation and informed of the outcome, as long as it does not break the duty of confidence owed to someone else. If no action is to be taken the reason for this will be explained to you.

If no action is taken as a result of the investigation it does not mean that action will be taken against the employee raising the concern. However should false allegations knowingly be made then Sheffield City Council may consider taking action within its procedures which may include disciplinary action.

5. Responding to a Whistleblowing Concern

Managers and Whistleblowing Co-ordinators guidance
(see Manager and Whistleblowing Co-ordinator Whistleblowing Flowchart).

Step 1 Verification.

As the Manager/Whistleblowing Co-ordinator you will complete an initial verification of the whistleblowing concern by meeting with the employee within 5 working days of the concern being raised and decide whether there are grounds for an investigation or not by checking and confirming the facts. You need to contact HR for support through this process. Where the whistleblowing concern arises out of potential fraudulent activity this should be reported to Internal Audit.

As with all Sheffield City Council procedures the employee has the right of representation at all meetings, which can either be a Trade Union representative or another employee of the City Council who is not involved in the area of work to which the concern relates and who also could not be called as a witness.

There are three possible outcomes to the verification stage:

- There are no grounds for proceeding further. You will need to write to the employee and inform them of this with the reasons for no further action needed.
- The matter falls within another procedure. You will need to advise the employee of the procedure that you think is appropriate and refer this to the relevant Manager for action.
- An investigation is required. You will need to commission an investigation.

Step 2 Investigation.

You will commission an Investigation and appoint an Investigating Manager and an Investigation Team from another Service Area or Portfolio. The Investigation Team will have access to an HR Consultant who will provide professional advice on the conduct of the investigation and procedural issues. The investigation will be carried out as quickly possible, whilst being mindful of the nature and complexity of the concern disclosed. Follow this link for a more detailed description of how an investigation should be conducted [Investigation Guidance](#)

Step 3 Outcome.

On completion of the investigation, the Investigating Manager will produce a short written report that will outline the nature of the Whistleblowing concern, the process of the investigation, a summary of the findings of the team and recommendations for action.

Upon receipt of the report you will make a decision as to what action, if any, should be taken based upon the recommendations of the report. This may include using formal action within the City Council’s procedures or reference to an appropriate government department or regulatory agency depending upon the circumstances of the case.

You will keep the employee who has raised the Whistleblowing concern informed as to the handling of the matter throughout the investigation and give them as much feedback as appropriate in respect of the outcome, as long as it does not break the duty of confidence owed to someone else. If no action is to be taken the reason for this will also be explained to the employee.

In exceptional circumstances, where the complainant feels unable to continue within their role as a result of their complaint, redeployment may be considered at the complainant’s request. Redeployment should be considered as an option not a right, and will not be considered where an employee has made false allegations.

The request for redeployment will be dealt with via the Redeployment policy and procedure under “other circumstances” within the Eligibility Criteria. The possible outcomes, timescales and arrangements must be discussed and understood by all parties before proceeding. If the request for redeployment is accepted and the employee enters the Talent Pool, they should not face dismissal for a reason associated with this situation.

A written record should be kept of each stage of the procedure including copies of any written feedback provided on the form attached.

APPENDIX E

Council Policies on Handling Information

We have policies to help us handle information in accordance with our information governance framework, best practice and the law.

Please take the time to read these policies because they are intended to help you because if you breach a policy (knowingly or not), it may result in significant consequences for you, the Council or our customers. All these policies have been approved by the Information Governance Board. These policies are:-

- 1. Appendix E: Information Governance and Security Policy**
- 2. Appendix F: ICT Acceptable Use Policy**
- 3. Appendix G: Data Protection Policy**

Please also see the Council’s Social Networking Policy (Appendix H, Code of Conduct)

Information Governance & Security Policy

1. Policy Introduction and Background

Information and data are necessary for Sheffield City Council to comply with its statutory duties and to arrange and provide services for the citizens of Sheffield.

All Members, employees, contract and temporary workers and volunteers have a responsibility to ensure that information and data are managed properly and are secure and safeguarded from inappropriate release, modification or misuse.

This includes the associated supporting technology.

Information Governance is the way in which we bring together all of the requirements and standards that apply to the handling of information in all formats. This ensures that the organisation and individuals have readily available information that is accurate, meets legal requirements, is dealt with efficiently and is secure.

An overall Information Governance Framework has been developed to support this policy.

2. Policy Explanation

The objective of this Information Governance, & Security Policy is to protect Sheffield City Council's information and data assets¹ from all threats, whether internal or external,

¹ This includes data & information printed or written on paper, stored electronically, and transmitted by post or electronic means, stored on tape or video, spoken in conversation.

deliberate or accidental, to ensure business continuity, minimise damage and maximise our ability to deliver services by bringing together all of the requirements, standards and best practice that apply to the handling of information. It has four fundamental aims:

- To support and promote the effective and appropriate use of information to deliver services;
- To encourage responsible staff to work closely together, preventing duplication of effort and enabling more efficient use of resources;
- To develop support arrangements and provide staff with appropriate tools and support to enable them to discharge their responsibilities to consistently high standards and to ensure statutory obligations are met;
- To enable the organisation to understand its own performance against its objectives.

Information Governance and Security currently encompasses:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Protection of Freedoms Act 2012
- Environmental Information Regulations 2004
- Information Sharing
- The Confidentiality Code of Practice
- Records Management
- Information Quality Assurance
- Information Security
- Information Governance Management
- Risk Management
- Protective Security

Scope

The scope of this Information Governance & Security Policy covers all Sheffield City Council information and data held in any format and in any location including that held and used by a third party delivering services on behalf of the Council.

Article I. Policy

It is the policy of Sheffield City Council to ensure that:

- Information and data are protected from the loss of confidentiality², integrity³ and availability⁴.
- Legislative and regulatory requirements are met⁵.
- Business continuity plans are produced, maintained and tested.
- Information security awareness training is made available to all employees and Members.
- All breaches of information and data security, actual or suspected, are reported to, and investigated by, the Portfolio Information Risk Owner; Information Boards and designated officers, and escalated to the Senior Information Risk Owner (SIRO); the Director of Business Change and Information.
- All Strategic Management Group members and heads are responsible for implementing the Information Governance & Security Policy within their respective business areas.

² Confidentiality: ensuring that information is accessible only to authorised individuals.

³ Integrity: safeguarding the accuracy and completeness of information and processing methods.

⁴ Availability: ensuring that authorised users have access to relevant information when required.

⁵ Includes legislation such as the Data Protection Act 1998, Freedom of Information Act 2000 and the Computer Misuse Act 1990.

- It is the responsibility of each member, employee, contract and temporary workers and volunteers to adhere to this policy.

3. Policy Implementation

This Policy is implemented by the following Standard Operating Procedure (SOP):

Freedom of Information Process 0001/2014/IKM

APPENDIX F

ICT Acceptable Use Policy

To specify the City Council’s policy on the acceptable and non-acceptable use of the information and communications technology (ICT) provided to employees and anyone else authorised to use this ICT for the purpose of working for or on behalf of the Council.



15 June 2015

Release

Version 2.0

Document Review

Title	Name(s) / Board	Role / Responsibility
Policy owner	John Curtis	Head of Information and Knowledge Management
Change requests to	Mark Jones	Lead Information Management Officer
Peer review	Information Governance Board	Authority for council policies affecting non-public information
	Louise Pellett	HR - HR Consultant
	Stephen Bower	Internal Audit – Finance Manager
	Joelle Taylor	BCIS – Information Management Officer
	Ian Jellyman	BCIS – Head of IS Strategy, Governance and Assurance
Key stakeholder review	Joint Negotiating Committee	15/06

Document approval

Authorising Body	Date of acceptance
Information Governance Board	15/06
Full Council	15/07

1. Purpose

To establish the City Council’s policy on the acceptable use of information and communication technology (ICT) used by council employees and other authorised persons working for or on behalf of the City Council.

2. Scope

The policy applies to all “users” of Council ICT and includes, but is not limited to employees, Councillors, strategic business partners (e.g. NHS colleagues), agency staff, contractors, volunteers, apprentices, inspectors, auditors.

The policy applies primarily to the ICT that is owned or leased by the Council, for example the ICT infrastructure, hardware, software and systems (network, servers, firewalls, cables, desktops, laptops, telephony, tablets, cameras, monitors, software, applications, databases,

etc.), **but** also refers to the possible use of non-Council ICT for and at work (see Sections **5** and **6**).

The policy also applies to non-public information because a significant amount of this information is captured, stored, read and shared using Council ICT.

“Non-public information” is defined as being information the Council does not make publicly available and requires a council employee to decide whether it can be disclosed, having considered the legal, financial and business implications.

3. Principles

Access to Council ICT is determined by your line manager or, if you are not an employee, the person who has authorised your access (e.g. sponsor, supervisor), in conjunction with your job description, council policies, contractual arrangements and other initiatives like WorkPlace.

ICT access is controlled with unique User IDs and/ or tokens that are assigned to individual users and by the creation of individual passwords; consequently, you are accountable for your actions on the Council ICT you use and for any other activity logged under your assigned unique user name or device assigned to you (e.g. mobile phone).

4. Code of conduct and related policies

This policy forms part of the Officers Code of Conduct (sections 5, 6, and 8) and must be read in conjunction with the Council’s: [Information Governance and Security Policy](#), the [Data Protection Policy](#) and the [Social Networking Policy](#).

Further guidance about acceptable use, information security and handling information is available on the intranet at <http://intranet/ict/handling-council-info/>. Please take your time to read the guidance and complete the mandatory Protecting Information e-learning.

5. Personal use of Council ICT

You are allowed limited and occasional personal use of the Council’s ICT for non-work related activity, for example to write documents and emails, browse the internet, make short urgent telephone calls, etc. This use must be in your own time and not in working hours, unless agreed in advance with your line manager.

Personal use must not include any activity that may have an adverse impact on the Council’s reputation, further your own personal business interests, be considered to be illegal, obscene, offensive, discriminatory or abusive or inappropriate (e.g. online gambling) or contravene Council policy or the law.

Where a cost is incurred as a result of your personal use of Council ICT (e.g. personal calls or excessive data downloads on a Council mobile phone), the Council reserves the right to recover these costs. If you have concerns about this, please discuss your intended personal use with your line manager in advance.

6. Using your own or someone else’s ICT at or for work

Use of your own or someone else’s ICT for work is limited.

You can use your own ICT on Council premises in your own time providing it does not impact on your or your colleagues’ work, other people’s privacy, health and safety or the law (e.g. copyright). Typical use may include personal telephone calls, emails or texts, browsing the internet, using social media and possibly, with your line manager’s permission, listening to music using headphones.

As stated above in Section 5, this use must not include any activity that may have an adverse impact on the Council’s reputation, be considered to be illegal, obscene, offensive, discriminatory or abusive or inappropriate (e.g. online gambling) or contravene Council policy or the law.

You are not allowed to use your own device or anyone else’s ICT to carry out council business, unless it has been agreed in advance with the BCIS Information and Knowledge Management Team. Exceptions currently include: WEBRAS users and users located at partner sites, e.g. users using NHS ICT at NHS sites.

Council business refers to making telephone calls, sending text messages or emails, creating documents or saving information, taking photographs or audio recordings, leaving voice messages, etc. to customers or colleagues for work purposes.

7. Your ICT responsibilities

Line Managers

1. To ensure users have the appropriate ICT and access rights to carry out their work and to review these arrangements at least once a year to ensure they are relevant and correct.
2. To instruct Capita to disable a user’s account when it is no longer required by the user (e.g. leavers process). This can be done using the Capita 24/7 portal.
3. To recover Council ICT equipment from users when it is no longer needed or used, for example when they leave the authority or their role, contract, placement, etc.
4. To return all unused or damaged ICT to Capita, so it can be recycled or disposed of, unless otherwise agreed with Capita. This can be done using the Capita 24/7 portal.

All Users

5. To access the Council’s ICT using only the unique user names given to you and your password. You must not disclose, share or make available your password to anyone else (including your manager, colleagues or even Capita) or access any Council ICT using someone else’s logon and password.

6. To access only Council ICT and the non-public information required for you to carry out your job. You must not intentionally access or attempt to access non-public information for personal interest or commercial gain.
7. To report any potential conflict of interest to your line manager if you are or are likely to access non-public information about someone you know or have a personal relationship with, for example a relative, friend, colleague, partner, neighbour, etc.
8. To be professional, honest and polite when using the Council’s ICT or representing the Council, in particular the tone, language and content of information recorded (e.g. email social media, etc). You must not download, browse or distribute any material that may be interpreted as inappropriate, illegal, offensive, discriminatory or abusive.
9. To use only Council ICT to carry out Council business, unless agreed otherwise with BCIS Information and Knowledge Management Team (see Section 6).
10. To store only work-related information on Council ICT. You must not intentionally store on Council ICT your own information (e.g. documents, photographs, music, etc) or any material that may be in breach of licensing or copyright law, for instance music, films, images, publications, games, software, etc.
11. To report any suspicious emails or attachments to Capita. You should not open, download or send suspicious software, emails or files in case they contain a virus or other malware potentially causing damage to the Council’s or someone else’s ICT.
12. To instruct Capita to move or relocate fixed ICT assets (desktops, monitors, telephone handsets), so that an accurate ICT asset inventory is kept for contractual, administrative and financial reasons. This can be requested using Capita 24/7. You must not move these assets yourself.
13. To follow the Council’s [information security guidance](#) to keep Council ICT and non-public information safe and secure, for example using strong passwords, locking removable devices (laptops, tablets, phones, etc.) and physical documents away when not in use, activating screensavers, etc.
14. To send non-public information electronically using secure methods, for example: secure mail (GCSx, CJSM), document encryption (7-Zip, WinZip) or other secure solutions as approved by the BCIS Information and Knowledge Management Team.
15. To use your sheffield.gov.uk or sheffield.gcsx.gov.uk accounts to carry out council business and not use your personal or any other email address. You must not set auto-forwarding rules on your council email account to automatically send emails to an external email address.
16. To access and read GCSx mail using Council ICT only, unless agreed otherwise with the BCIS Information and Knowledge Management Team. For example, council employees

based at NHS sites are allowed to access GCSx mail using NHS ICT. You will not be able to access GCSx mail via WEBRAS.

17. To switch your computer, laptop or tablet off at the end of the working day and to connect these devices to the Council’s network (via WIFI or cable at a council site) at least once a month to enable security, policy and software updates to take place. A device that has not been connected to the Council’s network after 3 months may be removed from support, unless agreed otherwise with the BCIS Information and Knowledge Management Team.
18. To return to your line manager all Council ICT assigned to you that you no longer need or use. You must not sell or redistribute Council ICT without the authorisation of BCIS, Internal Audit or Capita.
19. To report lost or damaged ICT equipment to Capita and your line manager immediately. If the ICT equipment has been stolen, you must also report it to the police and give the crime reference number to Capita.
20. To report information security incidents through the Council’s [Information security incidents procedure](#); this may include the loss, uncontrolled release, damage, misuse or inappropriate access to the Council’s ICT or non-public information.
21. To collect, store, share and dispose of non-public information in accordance with the Council’s [Document and Records Management Policy](#) to help ensure it is organised, secure and available as a corporate record.

8. Monitoring and recording

The use of Council ICT is monitored and in some cases recorded. The main reason is to properly manage systems, for example to detect and deal with faults or to protect systems from threats.

Monitoring and recording of ICT usage may also be requested as part of an investigation process or to investigate suspected or actual violations of this policy or to prevent or detect criminal activity. Information that may be available includes:

- telephony use (call history, data usage, costs)
- internet browsing (sites visited, duration of visit, etc)
- email
- user activity in database applications (CareFirst, Wisdom, Academy, etc)
- information saved on the network (personal and shared drives, SharePoint, etc)
- information saved to or from external devices (USB stick, external hard drive, etc)

9. Access to a User’s ICT activity

The Council reserves the right to investigate concerns about the use or misuse of ICT.

This right will observe council policy and the law, for example the Computer Misuse Act 1990, Human Rights Act 1998, Data Protection Act 1998 and Regulation of Investigatory Powers 2000.

If a line manager or investigating officer wants to access a user’s ICT activity, they must discuss their concerns with HR first. With HR’s written authorisation, the officer must email Information and Knowledge Management (informationmanagement@sheffield.gcsx.gov.uk) and confirm what information is required, the individual’s name, User ID, Portfolio and Service. The email does not need to give details of the investigation.

The request will be logged and referred to Capita to action the request and liaise directly with the line manager or investigating officer.

If information is required from a line of business application, the Information and Knowledge Management Team will contact the appropriate Application Owner for information.

10. Compliance

Non-compliance to this policy and any actual or suspected misuse of the Council’s ICT or the information it holds can result in disciplinary proceedings and possibly criminal proceedings.

11. Acceptance of the Sheffield City Council: ICT Acceptable Use Policy

Employees are to receive a copy of this policy and are to have time to read it, seeking clarification and support from their manager or the Information and Knowledge Management Team.

Employees are to sign acceptance of the terms using [myView](#). For employees without computer access, their manager will access a ‘non-access’ form for them to sign acceptance. Their manager will then print off a hard copy for them to keep.

Employees contact the Information and knowledge Management Team on 273 6891 or by email informationmanagement@sheffield.gcsx.gov.uk, if they need further advice and guidance.

Appendix G

Data Protection Policy



Sheffield City Council processes personal data on a daily basis. Data protection law requires the Council, its employees and authorised users, to process personal data fairly, lawfully and securely at all times. This policy sets out the key activities and responsibilities the Council need to adhere to.

14 May 2019

Release

Version 2.1

Document Review

Title	Name(s) / Board	Role / Responsibility
Policy owner	Mark Gannon	Director Business Change and Information Solutions
Change requests to	Mark Jones	Senior Information Management Officer
Key stakeholder review	Information Governance Working Group	Portfolio representatives to contribute and implement information governance policy, procedures and best practice
	General Data Protection Regulations (GDPR) Working Group	Portfolio representatives to ensure procedures align with new data protection requirements with GDPR and the Data Protection Act 2018

Document approval

Authorising Body	Date of acceptance
Information Governance Board	08 th June 2018
Local Negotiating Committee	14 th May 2019
HR Policy Forum	22 nd May 2019

Version History

Version	Issue Date	Comments / Summary of changes
1.0	12/06/2014	Policy to replace the Handling Personal Information Policy (2002). Policy added to Officers’ Code of Conduct (Appendix G) in July 2015
1.1-1.3	18/04/2018, 25/05/2018	Policy review and refresh for General Data Protection Regulations (GDPR) and Data Protection Act (2018)
2.0	08/06/2018	Minor change following IGB comments

2.1	14/05/2019	Minor change following LNC re. training refresh times
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Review

Review Date	June 30th 2020
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1. Introduction and Definitions

Sheffield City Council processes personal data to carry out its duties to make decisions and provide public services. Personal data is defined in law, but in essence it is information that identifies a living person (the subject of the data) or can make them more identifiable.

“**Personal data**” includes, but is not exclusive to: name, address, date of birth, email address, telephone number, unique reference numbers (e.g. NHS number, National Insurance number, Vehicle Registration Number), financial details (e.g. bank details, transactions, arrears, etc.).

Personal data also includes “**Special Category Data**”, which is sensitive personal data, covering for example: ethnicity, religious beliefs, political opinions, sexuality, physical and mental health conditions, genetic and biometric data, as well as data of criminal offences and convictions.

The term “**processing**” is also defined in law and refers to any operations involving personal data such as collection, recording, organisation, storage, alteration, retrieval, consultation, use, disclosure, combination, erasure or destruction.

All the personal data processed for or on behalf of the City Council must be processed in accordance with data protection law: the European Union’s General Data Protection Regulations and the UK’s Data Protection Act that both came into effect on May 25th 2018.

The intention of this policy is to identify the key principles, activities and responsibilities that all our employees have to adhere to as well as all the people who are authorised to process personal data to carry out council business. For the purpose of this policy, **authorised users** includes Councillors, contractors, suppliers, agency workers, partnership workers (like NHS, police employees), and volunteers.

2. Policy Requirements

Data protection law sets out a number of key principles, so that the processing of personal data shall be:

- 1Processed ***fairly, transparently*** and ***lawfully***
- 2 ... Processed ***only*** for specified and ***not incompatible purposes***
- 3 ... ***Adequate, relevant*** and ***necessary*** for the purpose
- 4... ***Accurate*** and, where necessary, ***kept up-to-date***
- 5 ... Not kept ***longer*** than ***necessary*** for the purpose
- 6Keep ***secure*** by ***technical/organisational*** means
- 7and the Council should demonstrate compliance (***Accountability***)

Further obligations and rights in the “Applied GDPR”

- all ***Data Subjects’ rights*** are subject to ICO enforcement
- Transfer personal data outside EEA only if ***privacy*** protected

To comply with the above principles, the City Council will

- Register as a Data Controller with the Information Commissioner’s Office ([Data Protection Register](#) – No. Z6548192) and register the details of the Council’s Data Protection Officer.
- Undertake Data Privacy Impact Assessments where required and ensure sign off by the Data Protection Officer before new processing takes place.
- Follow the Code of Practices, recommendations and guidance produced by the Information Commissioner, as the UK’s supervisory body, and the European Union Data Protection Board, to process personal data in line with the principles above (e.g. Record of Processing Activities, Privacy by Design, Data Protection Impact Assessments, Retention Schedules, etc.).
- Ensure all employees have completed the Council’s Information Management e-learning, or attended a taught course, and watched the Cyber Security training videos within the first six weeks of starting with the Council or their role that involves the processing of personal data.
- Employees refresh their information management training every two years, unless they work in social care or public health whereby they are required to complete an annual refresh to support the NHS Digital Data Protection and Security Toolkit submission.

- Ensure all **authorised users** that process personal data have completed the same training as Council employees, unless they can prove they have completed the equivalent training at their respective organisations in the last 6 months.
- Write and publish appropriate privacy notices to make it clear what personal data we need to process, the reasons why, whether collecting the data is optional or not, and what we intend to do with the data (storage, retention, sharing).
- Maintain an Information Asset Register to support the Record of Processing Activity (ROPA’s).
- Tell people if we have to share their personal data with other 3rd parties to deliver a service and, if necessary, record if consent is needed and has been given, refused or withdrawn
- Inform people of their rights to request access to the personal data we hold about them, and their rights to ask for their data to be corrected or deleted or the processing restricted, and to act upon those requests promptly and within the agreed timescales.
- Only collect the personal data we need, the minimum necessary.
- Only use personal data for the purposes for which it was collected, unless it can be used without contravening the law (e.g. using anonymised or pseudonymised data, historical research and statistics, crime detection and prevention, etc.).
- Take all reasonable steps to secure the personal data being processed and to apply controls to support access on a need to know basis.
- Retain personal data for only as long as we need to and to delete or destroy personal data in a timely and secure manner in line with the Council’s Document and Records Management Policy and Retention Schedule.
- Ensure contractual clauses, data processing agreements and information sharing agreements are in place when Council information is being shared or processed by external third parties.
- To log and investigate all reported personal data breaches and to notify the Information Commissioner within the statutory timescales and the affected data subjects accordingly in line with the Council’s Information Security Incident Standard Operating Procedure.

3. Policy Implementation

Employees and authorised users are responsible for their actions when handling personal data.

Heads of Service (or their equivalent) are responsible for ensuring the relevant processes and procedures are in place within their service areas and are followed when personal data is processed.

Directors to address any information governance issues identified in the Annual Governance Statement (Section I).

Executive Directors to ensure their Portfolio complies with this policy.

4. Data Protection Officer

The Data Protection Officer role is a legal requirement to monitor internal compliance, inform and advise an organisation’s of its data protection obligations, provide advice on Data Protection Impact Assessments and to act as a contact point for data subjects and the supervisory authority (the Information Commissioner’s Office).

The Council’s Data Protection Officer is currently Mark Jones, Business Change and Information Solutions, and can be contacted by email at DataProtectionOfficer@sheffield.gov.uk

5. Compliance

Failure to comply with data protection law can have significant consequences and could affect the health and well-being of the individuals whose data is being processed, the reputation of the Council potentially resulting in public mistrust, fines, legal action and lost business opportunities.

All employees and authorised users are expected to adhere to the principles of this policy and data protection law in general, and where there is a suspicion or evidence to the contrary, disciplinary proceedings may be taken.

Sheffield City Council

Social Networking Policy

Publication Date: July 2015

Author: HR Service



Document Control

Organisation	Sheffield City Council
Title	Social Networking Policy
Owner	HR Service
Subject	Conduct and Work Relationships
EIA required	Completed 13/07
Review date	01/04/2016

Revision History

Version	Revision Date	Reviser	Previous Version	Description of Revision
1.1	15/05	LP	1	Minor amendments - Updated hyperlinks for new Information Governance and Security Policies

Document Distribution – Approval and Release

Decision Maker	Approval date
Full Council	15/07

Social Networking Policy

1.0 Purpose

It is very much in our (the Council’s) interest to allow you (the employee) to participate in this rapidly growing environment of relationships, learning and collaboration.

This policy provides you with a set of principles for using social networking sites responsibly, which is linked to the Officers’ Code of Conduct and associated policies. It gives you clear guidelines, so you can protect yourselves by complying with our conduct rules, with the laws on harassment, discrimination, data protection, copyright and ensuring your own safety.

The policy ensures that we are not exposed to financial, legal and governance risks and that the safeguarding of children, young people and vulnerable adults is not threatened by the use of social networking

As this is a new policy, which is to be used across the organisation and everybody is impacted by it, it is important that this is reviewed regularly, initially by Executive Management Team after 6 months.

2.0 Introduction

Sheffield City Council recognises that the internet provides unique opportunities to participate in interactive discussions and share information using a wide variety of social networking sites.

We believe in open exchange using social networking sites to empower you and customers. These individual interactions represent a new model: not mass communication but masses of communicators. Through these interactions, you and local people are empowered to learn, share your expertise and promote what is best in Sheffield.

- You can contribute best practice on our services - sharing your expertise, raising Sheffield’s profile.
- Through individual interactions, you can better involve and engage with a wider range of people, including young people and people setting up new businesses in the city. This allows us to learn from our customers, drawing on their expertise and knowledge to design services that meet their needs.
- By encouraging local people to contact us using social networking sites – e.g. via e-petitions - we can gain information on key issues to help inform policy in the city.
- Use social networking as a technology platform for open innovation and learning, which makes it easier for you to learn, develop, reflect on practice, be creative and collaborate for improved services.

Whilst we have embraced these technological innovations as part of our working and private lives, employers are now grappling with consequences of unacceptable posts, which are rapid communicated and shared. We have recently dealt with social networking issues relating to:-

- Bullying and harassment,
- Freedom of expression of political views
- private/professional boundaries with children
- problems with blurring private/professional boundaries – manager/employee
- work-related offensive photos
- being off sick and using social networking for secondary employment
- Employee petition against service closures.

In many of these cases, the employees were unaware that social networking is not private and that there are potential consequences to their on-line activity.

Managers, Trade Union Representatives and HR Practitioners have therefore asked for helpful, practical advice to protect you and us, when you use social networking sites in a work and private capacity. Representatives from all these groups, plus Members of the Equality Forums have contributed to this policy.

3.0 Scope

This policy applies to all non-schools based Sheffield City Council employees, casual workers, agency staff, contractors, consultants, self-employed people, apprentices, trainees and those on work placements, who work for the Council. Throughout this policy, the term ‘employee’ and ‘you’ is used to cover all these types of workers. The Social Media Policy adopted by the relevant Governing Body will apply to teaching and support staff in schools.

This policy deals with the use of all forms of social networking including but not limited to Twitter, MySpace, Facebook, texts, emails, BlackBerry Messenger (BBM), LinkedIn, Blogs, Wikipedia

sites and any other sites which involve document, photo or video sharing such as YouTube or new networks, internet sites/channels that may be developed in the future.

This policy applies to the use of social networking for both work and personal purposes, whether during working hours or otherwise and whether at work or elsewhere including in your home. It also applies regardless of whether the social networking site is accessed using our ICT facilities/equipment or that belonging to you.

This policy should be read in conjunction with:

- [Officers' Code of Conduct](#) and associated policies
 - Member-Officer Relations Protocol
 - [Information Governance and Security Policy](#)
 - [ICT Acceptable Use Policy](#)
 - [Data Protection Policy](#)
 - [Dignity and Respect at Work Policy](#)
- Social Networking Guidance
- Draft Safeguarding Children and Vulnerable Adults Policy
- [Disciplinary Procedure](#)
- [Recruitment and Selection Policy](#)
- Social Media Position Statement, EMT (June 2011)

Responsibilities

The Council

We recognise the benefits of social networking and trust you to act responsibly. We expect you to work in the same way on-line and off-line, following the behaviours set out in the Officer Code of Conduct, as detailed in this policy and in associated guidance.

We permit personal use of social networking sites at work during break times as long as it is not excessive and/or does not involve unprofessional or inappropriate conduct and does not interfere with your responsibilities or performance. You need to bear in mind that you must take short breaks away from screens to protect your health.

We also know that some employees and their managers need to consider safety of their service users and themselves, if they use social networking sites. These sites are public and there is a possibility that employees or service users could be traced, resulting in harm to that person. Where this is an issue, employees and their manager will need to carry out a risk assessment for using social networking for work purposes.

Employees

You are personally responsible for the content you publish on-line and must be mindful that **everything placed on-line is public** and is hard to remove once posted.

You should follow our social networking principles, which are divided into 4 themes, with the core behaviours applying across the themes.

In brief, you should:-

- Be professional when using social networking for work and personal use
- Be respectful at all times, never post offensive or intimidating texts or images about a person
- Familiarise yourself with this social networking policy and associated guidance

You are responsible for the success of this policy and should ensure that you take the time to read and understand it. You should report any misuse of social networking to the appropriate line manager.

Managers

All managers have a specific responsibility for operating within the boundaries of this policy. You must ensure that your employees understand the standards of behaviour expected of them and take action if behaviour falls below the required standard.

Managers should:

- Familiarise themselves with the Social Networking Policy and guidelines
- Ensure their staff are aware of the policy
- Take prompt action to stop any harassment or bullying they become aware of, whether a complaint has been raised or not
- Support the staff involved in any allegations about cyber bullying, harassment, discrimination, using existing procedures
- Ensure all complaints/allegations are dealt with fairly and consistently and in line with other employment policies.

HR and Trade Unions should

Provide support and advice to managers and employees on the operation of the policy and guidelines, where necessary.

Compliance

You must comply with Council policies and the law when using social networking sites. Make sure that you:-

- Know and comply with the Officers’ Code of Conduct and associated policies including the Dignity and Respect Policy, Information Security Policy and E-Communications Guidance.
- Only share public information on-line. Information that is not public, such as service user, employee or manager information given in confidence, may only be shared in accordance with the law. If you use non-public information inappropriately, you may be personally prosecuted under the Data Protection Act.

- Are professional, when posting comments about the Council and our services. Be aware that the Council may take disciplinary action, if there is a reasonable belief that your on-line comments have damaged the Council’s reputation.
- Are respectful at all times to our customers and colleagues. Never post offensive or intimidating texts or images about a person.

You are expected to use the **same professional behaviours on-line**, as you would when communicating with service users and colleagues **off-line**. You must not post any information or messages on-line, that you would be unwilling to say in public face to face. Make sure that you follow the principles and standards set out in this policy, in the Officer Code of Conduct and associated listed policies.

Where your manager identifies that you may have fallen short of the standards in this policy, your manager is to deal with the matter informally where appropriate. The formal procedure will be used however, to guide you towards achieving acceptable standards as set out in this policy.

You may have disciplinary action taken against you, if you do not keep to this policy, which includes the possibility of being dismissed without notice being given. Serious breaches of this policy for example incidents of bullying on social networking sites may constitute gross misconduct and dismissal.

Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether our equipment or facilities are used for the purpose of committing the breach. You are required to co-operate with investigations into allegations made under this policy.

You must not make false or malicious allegations about another person’s use of social networking and need to be aware that disciplinary action may be considered in such circumstances.

You may be required to remove social networking posts, which are deemed to constitute a breach of this policy. Failure to comply with such a request may in itself result in disciplinary action.

Social Networking Principles

Personal Use

1. Be professional, know and follow the Officer Code of Conduct. You are personally responsible for what you post. Be thoughtful about how you present yourself in social networks. Understand that social networking is a public forum and your entries are not private and are hard to remove once posted.
2. We can ask you to remove on-line content if we have a reasonable belief that it is damaging the Council’s reputation. If we can prove that your conduct on-line has caused detriment, you may face disciplinary action and if severe enough, you could be dismissed as a result.

3. You have a right to express political and religious views, as long as they are lawful, are made in a private capacity and do not impact on your job. Some employees are in politically restricted posts and need to maintain political impartiality.
4. Do raise any work-related concerns in the right way. You can speak to your manager, give feedback in the employee survey, attend staff forums, speak to a contact advisor, contact your trade union representative, get support from the independent employee assistance programme or for serious allegations, use the whistle-blowing procedure. This allows us to investigate and address the issue in the first instance.
5. As you are an employee of the Council, you must ensure that your on-line content is consistent with your professional image that you present for the Council.
6. Be respectful of other employees, service users or customers as set out in our [Dignity and Respect at Work Policy](#).
7. There is no expectation for you to accept ‘friend’ requests from colleagues or managers
8. You are allowed appropriate and reasonable personal use of social networking at work, using Council or your own equipment. This is to take place in your own time and outside core hours, not adversely affecting performance or provision of service. Personal use of Council equipment is at no additional cost to the Council.

Business Use

9. When acting on behalf of the organisation, you must be professional. Always be responsible for your on-line comments, be credible, accurate and fair. Make sure that you are respectful at all times, especially when replying to disagreements. Avoid unnecessary or unproductive arguments. Do not speculate about an issue or start inflammatory debates. Make sure what you say is factually correct.
10. If you have any doubts about content, do not post without escalating to a manager. If you make an error, be up front about your mistake and correct it quickly, as this can help to restore trust. If your mistake is serious, let your manager know immediately and get advice. Ultimately, you are responsible for what you post or publish on a social networking site.

Maintaining Professional Relationships

11. You have a specific duty of care to take reasonable steps to protect service users, colleagues and yourself from harm. You must discuss any safety issues of using social networking sites for work purposes with your manager and if relevant draw up a risk assessment. This may state that you must only use secure forms of communications for work purposes. If you receive a serious on-line threat to life or buildings, you must contact the police immediately and let your manager know.

12. If you are in a **position of trust** with **Children** or **Vulnerable Adults**, for example if you work in social care, you have a professional relationship with your service users. You must draw a line between your professional and private life.

You must not strike up or accept an on-line relationship with your service users, using a personal social networking account. This applies even if your service users are no longer receiving a service.

Similar to your off-line work, where you have a close relationship with a service user, you must let your manager know.

In these circumstances, you must declare any interest you may have with a person, which may cause a direct or indirect conflict of interest with your employment. This information is provided to protect you and service users against any allegation of favour or disadvantage.

13. If you interact with **Elected Members** on social networking sites, you must follow the existing rules within Officers’ Code of Conduct and Member-Officer Relations Protocol. Officers in politically restricted posts must be particularly carefully to be impartial and maintain professional relationships.

Gathering and Sending Out Information

14. You can provide any Council Public Information to social networking sites. This is information, which is already in the public domain. You must keep non-public information secure and never release this to social networking sites. Non-Public Information includes personal data about service users or employees. If you suspect that any of your social networking accounts have been hacked, resulting in an impact on your work, you must let your manager know immediately.
15. Any monitoring or surveillance of a customer or employee is strictly controlled and you must be authorised to carry out this activity. For example, you must never become a ‘friend’ of any service user or employee for the purpose of obtaining information, unless authorised.
16. We reserve the right to monitor your social networking and internet use at work. Valid reasons for checking your usage include suspicions that you have:
- Been spending an excessive amount of time viewing sites that are not work-related or
 - Acted in a way that damages the reputation of the Council and/or breaches disclosure of non-public information

APPENDIX I

(A) OTHER EMPLOYMENT RELATED ACTIVITIES – FEES

Employees may be asked on occasions to give lectures or undertake work using their professional skills and expertise. If the work forms part of the duties of a post and the employee is carrying out an official duty, he/she must forward all fees to the employing directorate. Any expenses incurred will be reimbursed through the normal procedures.

Employees in receipt of ‘fees’ in respect of undertaking work and/or lecturing to an outside organisation/person(s) may retain the ‘fees’ providing:

- A preparation and delivery of the work is undertaken outside working hours (unless covered below);
- B equipment and/or materials are not being provided by the City Council;
- C the employee is not acting as a representative of the City Council.

Where the work or lecture is undertaken during working hours the equivalent working hours must be re-arranged, in agreement with the line manager to accommodate the employee’s request or annual leave, flexi leave or time off in lieu must be used. The employee concerned may also be granted unpaid leave, subject to the agreement of the line manager in consultation with the HR Adviser.

APPENDIX J

Politically Restricted Posts (PoRPs) (Revised May 2012/Minor Amendment February 2013 and April 2015)

Legal Background

The Local Government and Housing Act 1989 (LGHA) introduced the principle of Politically Restricted Posts (PoRPs) in local authorities. This Act had the effect of restricting the political activities of certain local authority employees. The LGHA was amended in 2009 by the Local Democracy, Economic Development and Construction Act 2009.

Restricted Posts

Posts may be politically restricted because

- they are specified as PoRPs in accordance with the legislation; or
- it has been determined that they fall within the sensitive duties related criteria of the legislation

Specified Posts within Sheffield City Council

These post holders are politically restricted without the right of appeal

Statutory Officers

The Head of the Paid Service (Chief Executive)
Director of Children’s Services under Children’s Act 2004 (Executive Director People)
Director of Adult Services under LASSA 1970 (Director of Adult Health and Social Care)
Chief Finance Officer under Section 151 of LGA 1972 (Executive Director of Resources)
The Monitoring Officer (Director of Legal and Governance)
Director of Public Health under section 73A of the NHS Act 2006 (Director of Public Health)

Non Statutory Chief Officers

Officers reporting directly to the Head of the Paid Service excluding secretarial/clerical support.

Deputy Chief Officers

An officer reporting directly or is directly accountable to one or more of the statutory or non-statutory Chief Officers.

Officers Exercising Delegated Powers

Officers whose posts are specified by the authority in a list maintained in accordance with section 100G (2) of the Local Government Act 1972.

Assistants for Political Groups

Sensitive Duties Posts within Sheffield City Council

The duties of a post under a local authority fall within this subsection if they consist of or involve one or both of the following sensitive duties i.e.

- giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority, to any committee of that executive; or to any member of that executive who is also a member of the authority
- speaking on behalf of the authority on a regular basis to journalists or broadcasters

These post holders can appeal against political restriction on the grounds that the criteria have been wrongly applied.

Teachers and Head teachers are exempt from political restriction, whatever their role.

A list of all Politically Restricted Posts within Sheffield City Council is held by the relevant Proper Officer (Chief Executive). Any modifications to this list must be reported and recorded accordingly.

Restrictions on Post Holders

Employees in PoRPs are debarred from standing for or holding elected office as

- Local councillors
- MPs
- MEPs
- Members of the Welsh Assembly
- Members of the Scottish Parliament

They are also restricted from:

- Canvassing on behalf of a political party or a person who is or seeks to be a candidate
- Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party

Appeals against inclusion on the list of politically restricted posts

Post holders who are politically restricted because they hold specified posts have no right of appeal.

- Appeals are made to the Head of Paid Service
- Post holders of sensitive posts that are politically restricted may appeal on the grounds that the authority has wrongly applied the duties-related criteria
- Appeals may be made by the current post holder or by an individual who has been offered employment in a politically restricted post
- There is no timescale during which a post holder must make an appeal
- To appeal, employees should send a letter formally seeking exemption and a job description to the Monitoring Officer (Director of Legal and Governance), Town Hall, Pinstone Street, Sheffield, S1 2HH
- If the appeal is successful, the Monitoring Officer will notify HR Connect at Capita, so that it may be noted on the records for the individual and for the post

Please Note: This document is a summary, if you require further details or are unsure about any of the content please contact the Director of HR, Town Hall, Pinstone Street, Sheffield S1 2HH.

Sheffield City Council

Dignity and Respect at Work Policy

Publication Date: August 2011

Author: HR Service



1 **OUR COMMITMENT**

- 1.1 Sheffield City Council is committed to promoting a positive working environment where staff conduct themselves in a way which contributes positively to their team’s work targets and which respects all colleagues and customers.
- 1.2 The Council is committed to promoting dignity and respect, to which employees are entitled. It seeks to provide an environment of mutual trust and respect amongst the entire workforce and to resolve any issues or difficulties at work in a mutually beneficial way.
- 1.3 It is opposed to and will not tolerate any form of harassment, discrimination, victimisation, bullying or intimidation or any unacceptable conduct towards an individual or group, in the workplace, whether a single incident or persistent acts.

2 **HARASSMENT, DISCRIMINATION, VICTIMISATION AND BULLYING**

- 2.1 The City Council has taken into account the information contained within relevant EU Directives, Employment regulations, Equality legislation and the Equality Act 2010 in determining the definitions of Harassment, Discrimination, Victimisation and Bullying.
- 2.2 The Equality Act covers the same groups that were protected by previous equality legislation and extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law. These are now called **‘protected characteristics’** and cover Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation

NB: People may also experience Harassment, Discrimination, Victimisation and Bullying which may not be related to a Protected Characteristic

2.3 **Definitions**

- **Harassment is** ‘unwanted conduct related to a relevant *protected characteristic*, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.
- **Discrimination is** ‘where one person is treated less favourably than another person was or would have been treated on the grounds of their *protected characteristic*’
- **Victimisation is** ‘when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act and/or Council policies’ or because they are suspected of doing so.

- **Bullying is** 'persistent unwelcome offensive and intimidating behaviour or misuse of power which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their self-confidence'.

2.4 Types of Discrimination and Harassment

Direct discrimination

This is when someone is treated less favourably than another person because of a *protected characteristic* they have or are thought to have, or because they associate with someone who has a protected characteristic.

Associative Discrimination

This is direct discrimination against someone because they associate with another person who possesses a *protected characteristic*.

Perceptive Discrimination

This is direct discrimination against an individual because others think they possess a particular *protected characteristic*. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a *protected characteristic*. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

- 2.5 Harassment, discrimination, victimisation and bullying can come in many forms. It may happen once or more than once, either way it is unacceptable. Examples could include:

Offensive material, including pornography, racist material, or material which ridicules or abuses religion or belief, men or women, black people, disabled people, transgender people, lesbians or gay men, older or younger people.

Verbal abuse, including racist or sexist language, and language that undermines or ridicules e.g. disabled people, lesbians or gay men, older or younger people.

Bullying, exercising power to intimidate, ridicule or demean an individual or group of people usually through a number of small incidents over a period of time.

Leering, comments on dress or appearance, embarrassing remarks or jokes, demands for sexual favours.

Physical assault, including touching or unwanted physical advances.

Persistent comments, which undermine or undervalue a person's abilities, particularly on the basis of his/her sex, race, disability, sexuality and/or age. This could also relate to comments on a person’s physical appearance.

Cyber-bullying, is when the internet, phones, or other devices are used to send or post text or images intended to hurt or embarrass another person. It may include threats or sexual remarks or ganging up to make someone a victim of ridicule in social networking forums.

3 HATE CRIME AND HATE INCIDENTS

- 3.1 A Hate Incident is: “Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.”
- 3.2 Hate Crime is defined specifically as: “Any Hate Incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.”
- 3.3 As an employee complaints of Hate Crime or Hate Incidents will be dealt with through one of the following procedures:
Dignity and Respect Procedure – this should be used if they feel they have experienced harassment, discrimination, victimisation or bullying at work by another Council employee.
Grievance Procedure – this should be used if an employee wants to raise significant and specific concerns about their employment or treatment at work.
Accident, Violent Incident or Near Miss Report Form this should be used if a Hate Crime or Hate Incident happens to an employee, one of their colleagues or a member of the public.
Whistleblowing Procedure - this should be used for concerns where the interests of others or of the organisation itself are at risk.

4 ROLES AND RESPONSIBILITIES

MANAGERS

- 4.1 Every Sheffield City Council manager and supervisor has a duty to implement and enforce this Policy in a fair and equitable way and to ensure that all employees for whom they are responsible understand and follow it.
- 4.2 Managers are responsible for ensuring that all employees are aware that breach of this Policy could lead to consideration of formal disciplinary action or dismissal

under the City Council's Disciplinary procedure depending upon the circumstances.

- 4.3 Managers need to recognise that the lodging and/or investigation of a complaint is extremely difficult and distressing for both the complainant and the subject of the complaint. In both cases, appropriate support needs to be provided before, during and after an investigation.
- 4.4 Managers need to ensure that complaints of harassment, discrimination, victimisation and bullying are taken seriously and that investigations are, so far as is possible, managed speedily, confidentially and communicated effectively.
- 4.5 Managers need to ensure that employees, who have raised concerns or have provided evidence during an investigation, are not victimised as a result of their actions.

EMPLOYEES

- 4.6 Every Sheffield City Council employee has a responsibility to treat all colleagues and service users with dignity and respect.
- 4.7 Employees, including managers, need to be aware of their own conduct and behaviour and how it can impact on others within the workplace.
- 4.8 Employees are encouraged to bring to the attention of Managers any examples of unfair treatment they have witnessed or strongly suspect is taking place. This could also include the conduct of managers.
- 4.9 Employees are required to co-operate with investigations into allegations made under this policy.
- 4.10 Employees must not make false or malicious allegations and need to be aware that disciplinary action may be considered in such circumstances.

HUMAN RESOURCES

- 4.11 Human Resources staff will be available as a resource to Managers and Employees to provide support and guidance on the operation of this policy.
- 4.12 Human Resources Officers will be involved in advising Managers on the investigation of complaints however they will not take over the management of the process. It is the Managers responsibility to manage.
- 4.13 Employees who are experiencing problems can approach Human Resources in confidence for advice and support.

CONTACT ADVISERS

- 4.14 Contact Advisers are available as a point of contact for those experiencing or witnessing harassment, discrimination, victimisation or bullying at work.
- 4.15 Contact Advisers can provide confidential support and will assist employees in understanding the options for dealing with their particular situations.
- 4.16 Contact Advisers are also available as a point of contact for the subject of a complaint, but not both parties to the same complaint. They will support people from various Portfolios.

TRADE UNIONS AND OTHER SOURCES OF SUPPORT

- 4.17 Employees who are members of a recognised trade union have the right to be represented by their Trade Union representative.
- 4.18 Trade Union representatives can offer advice and support to employees who may be experiencing problems or have had allegations made against them.
- 4.19 Employees can also seek support from Staff workers Forums and colleagues.

5 WHAT WE WILL DO

- 5.1 The City Council will take any allegations made by employees seriously and, so far as possible, complaints will be managed speedily, confidentially and communicated effectively.
- 5.2 Every effort will be made to resolve complaints informally. Where this is not appropriate or possible, an appropriate manager will ensure a formal investigation will take place.
- 5.3 The City Council will communicate with employees to raise awareness about Dignity and Respect. The policy will also be promoted including the implications of certain behaviours.
- 5.4 We will support employees who experience difficulties through the provision of Contact Advisers and Human Resources professionals and ensure that Managers are updated regularly on their responsibilities under this policy and procedure.
- 5.5 We will ensure a system is in place to monitor and review the use of the Policy and Procedure. There will be statistical monitoring to identify potential problems and areas for improvement.

Sheffield City Council

Dignity and Respect at Work Procedure

Publication Date: November 2018

Author: HR Service



DIGNITY AND RESPECT AT WORK PROCEDURE

Our Policy Statement

Sheffield City Council (SCC) is committed to providing a safe environment for all employees, free from harassment, discrimination, victimisation or bullying. Sheffield City Council will treat all incidents seriously, and investigate all allegations promptly. An employee who has harassed, discriminated, victimised or bullied another employee may face disciplinary action, up to and including dismissal from employment.

1 HOW TO RAISE AN ISSUE OR MAKE A COMPLAINT

- 1.1 It is the intention of this procedure for issues and complaints to be resolved informally, quickly and at an early stage in order to prevent problems becoming more serious over time. Some allegations however may be of such a serious nature that an informal investigation may not be appropriate and it will have to be dealt with formally.
- 1.2 Informal issues or complaints can be made verbally or in writing to the appropriate Manager or an HR Adviser. More than one person or third parties can also raise an issue or make a complaint. **Where an HR Adviser receives a complaint, an appropriate Manager will be identified to manage the complaint within three working days.**
- 1.3 A formal complaint may be made where informal attempts at resolution have been unsuccessful, or where the seriousness of the incident(s) is such that the informal route is inappropriate. Formal complaints should be in writing to the Head of Service / Director copied to an HR Adviser. In the event that the complaint is against the Head of Service / Director then the complaint should be addressed to the appropriate Executive Director or Chief Executive, copied to the Director of Human Resources and Customer Services.
- 1.4 Both the complainant and the subject of the complaint have the right to be accompanied at all stages of the procedure by their trade union representative or other Council employee or chosen representative.

Information and Support on the Dignity and Respect Policy and Procedure can be obtained from Contact Advisers and Trade Union representatives.

See Appendix 1 How to get Information and Support

2 INITIAL VERIFICATION

- 2.1 The Manager, advised by an HR Adviser, will complete an initial verification of the complaint and determine and make a decision as to whether or not the allegations have some substance. **This should take place within 5 working days of the initial complaint.**
- 2.2 The Manager will complete the Accident and Incident Report Form and, if appropriate the Hate Incident form (where the incident is allegedly motivated by prejudice or hate).
- 2.3 If there is substance to the allegations then a discussion will take place with the Manager advised by an HR Adviser and the Complainant about options for resolution. An invitation to this discussion will be put in writing. The complainant will be able to have a Trade Union representative or colleague with them if they wish. **This should take place within 5 working days of determining the substance of the complaint.** An Informal Investigation will take place unless the seriousness of the incident(s) is such that the informal route is inappropriate. Formal Resolution will only be used where the Informal route is inappropriate or unsuccessful.
- 2.4 Where the Manager has decided there is not a case to answer or no further investigation is required **a written explanation will be given to the complainant within 5 working days of determining the lack of substance of the complaint. The complainant may, within 10 working days of being told of this decision, raise any objections through the Council’s Grievance Procedure.** A Trade Union representative will be able to help with advice and support.
- 2.5 In the event of a counter complaint being made by the subject of the complaint – the counter complaint will be dealt with after completion of the investigation of the original complaint.
- 2.6 If a complaint is found to have been made for vexatious or malicious reasons then the complainant may be dealt with under the council’s disciplinary procedure.

3 INFORMAL RESOLUTION

- 3.1 It may be sufficient for the Manager to speak to the subject of the complaint to explain the situation, the impact of the behaviour and future action should this continue and report back to the complainant. **This should take place within 5 Working Days of determining the substance of the complaint.** The complainant and the subject of the complaint will be able to have a Trade Union representative or colleague with them if they wish. A record of this discussion should be maintained on file and should only be referred to if a formal or further information or complaints are initiated. The length of time any records can be kept will be checked with legal services.

- 3.2 Where appropriate the Manager, advised by an HR Adviser may bring the two parties together to discuss the complaint and agree a way forward to resolve the situation and prevent it from escalating. Options, solutions and actions will be discussed. This will depend on the circumstances of the case and the wishes of the complainant. The complainant and the subject of the complaint will be able to have a Trade Union representative or colleague with them if they wish. Appropriate records of the discussion and agreement reached should be maintained on file. They will be reviewed by the manager to ensure that agreed actions are being adhered to. If agreed actions are not being adhered to the manager will need to manage this with advice from an HR adviser. Records should be maintained securely and only referred to if a formal or further informal complaints are initiated. The length of time any records can be kept will be checked with legal services.
- 3.3 The Manager will hold a Review meeting with the Complainant and the Subject of the Complaint **within 4 weeks of the meeting to discuss the way forward**. It may also be necessary to hold another Review meeting depending on the success of the last one and this should take place **within 2 weeks of the last meeting**. Records will be kept.
- 3.4 If the informal resolution is unsuccessful then it may be necessary to proceed to a formal investigation.

Further information on investigations can be found in the [Investigations Guidance](#) in the HRPoint Library in Conduct and Work relationships under the Topic: Investigations.

4 FORMAL RESOLUTION

- 4.1 A formal complaint may be made where informal attempts at resolution have been unsuccessful, or where the seriousness of the incident(s) is such that the informal route is inappropriate.
- 4.2 If there has been an informal investigation - on receipt of a formal complaint the Head of Service / Director or Executive Director advised by an HR Adviser will consult the records made in the informal investigation to ensure that appropriate approaches have been used to resolve the issues. The Head of Service / Director or Executive Director may then want to make further suggestions for the manager to address as part of an informal resolution before deciding whether or not to go ahead with a formal procedure.
- 4.3 If there has not been an informal investigation - on receipt of a formal complaint the Head of Service / Director or Executive Director will appoint an Investigating Manager (this may be a manager from a different service) and an Investigation Team, including a Manager from another Service Area or Portfolio, to conduct an investigation into the allegations made. **The complainant and the subject of the complaint will be informed of the appointment of an Investigation Team in**

writing within 5 working days and have the opportunity to raise objections, in writing, to the choice of Investigating Team within 5 working days.

- 4.4 In the event that an objection is received the Head of Service / Director or Executive Director will have discretion to consider appointing alternative team members or confirm their original choice.
- 4.5 The Investigation Team will have access to an HR Adviser who will provide professional advice on the conduct of the investigation and procedural issues.
- 4.6 **Within 10 working days the Investigating Manager will inform both parties of the specific complaint being investigated, the parameters of the investigation and the timetable for carrying this out.**
- 4.7 The Investigation Team will only interview those witnesses relevant to the complaint under investigation. Witnesses may request a trade union representative or other chosen Council employee to attend the interview with them - excluding the complainant or subject of the complaint.
- 4.8 Witnesses must be informed that the statements taken during the investigation may be included in the management statement of case and, therefore, shared with both parties and their representatives. Witnesses must also be informed that in the event that the case is later presented to Employment Tribunal or other Court of Law their statements may be shared and they may be called as witnesses to attend a public hearing in person. However, where possible, efforts should be made to support and protect witnesses during the process.
- 4.9 On completion of the investigation, the Investigating Manager will produce a short written report that will outline the nature of the complaint, the process of investigation, a summary of the findings of the team and recommendations for action. **This report will be provided to both the complainant and subject of the complaint within 10 working days of the end of the investigation.**
- 4.10 **The investigation report will be discussed with the Head of Service / Director or Executive Director, who will inform both parties of their final decision on the action to be taken, within 5 working days.**
- 4.11 **Where a decision to convene a disciplinary hearing has been made, a hearing will be established and a full management statement of case will be produced and shared with the subject of the complaint at least 10 working days before the hearing.**
- 4.12 The complainant needs to know that their complaint has been taken seriously and that issues relating to the complaint will be dealt with. They do not have a right to know the outcome of any disciplinary hearing. If the complainant feels the complaint has not been dealt with appropriately at this stage they may discuss their concerns with the appropriate Head of Service / Director.

5 THE RIGHT OF APPEAL ABOUT THE DIGNITY & RESPECT INVESTIGATION

5.1 The Subject of the Complaint

If disciplinary action is to be taken, the disciplinary and appeal process set out in the disciplinary procedure will apply. The subject of the complaint may raise any concerns about the investigation process as part of their statement of case.

5.2 The Complainant

The person making the complaint has the right of appeal against the **outcome of the investigation** on the following grounds.

- The investigation was conducted in an unfair manner or was in some way inadequate;
- That the conclusion was unfair based on the evidence.

5.3 Appeals should be submitted in writing within 10 working days of receipt of the Investigation Report. Appeals should be sent to the Director of Human Resources and Customer Services, setting out the grounds of the appeal and the reasons for the appeal.

A Head of Service / Director or Executive Director will hear the appeal, with appropriate HR advice.

The appeal panel will consider the facts, and make one of three decisions:

- to uphold the original conclusion
- to substitute a different conclusion
- to instigate further investigation, either in whole or part as necessary

The decision of the appeal panel will be notified to both parties and will be final.

6. SUSPENSION OR TRANSFER OF THE SUBJECT OF THE COMPLAINT

6.1 Harassment, discrimination, victimisation or bullying have the potential to constitute gross misconduct. Therefore Managers must always seek advice from Human Resources and consider the seriousness of the nature of the complaint before making a decision whether or not to suspend the subject of the complaint.

6.2 Where the Manager seeks to suspend the subject of the complaint they will do so in accordance with the Council's disciplinary procedure and with the authority of an Authorised Manager.

- 6.3 Where there is the potential for gross misconduct to have occurred, temporary transfer of the subject of the complaint must not be used as an alternative to suspension.
- 6.4 The Manager should not normally transfer the subject of the complaint and/or the complainant to a different worksite unless either party specifically requests transfer for themselves. Any transfer must be able to be easily facilitated by the service and supported by the advice of Human Resources.
- 6.5 In the event that a transfer is agreed, the transferring employee must be informed in writing that the transfer arrangement will normally continue for the duration of the investigation and any formal proceedings that may follow it. It is important that this arrangement is reviewed regularly and the transferring employee is updated on work issues within their substantive post.
- 6.6 It is acknowledged that the re-integration of a complainant or the subject of the complaint is a difficult process for Managers and Employees alike. However every effort should be made to support all parties and Managers should consider how this could be facilitated. This may include plans for relocation, induction, phased return, counselling support, and training.
- 6.7 In exceptional circumstances, following an investigation, redeployment may be considered where the complainant requests this and feels unable to continue in their role as a result of their complaint. Redeployment is an option not a right, and will not be considered where an employee has made false allegations.

The request for redeployment will be dealt with under the Redeployment Policy and Procedure under “other circumstances” within the Eligibility Criteria. The possible outcomes, timescales and arrangements must be discussed and understood by all parties before proceeding. If the request for redeployment is accepted and the employee enters the Talent Pool, they should not face dismissal for a reason associated with this situation.

7. TIMESCALES

- 7.1 Timescales have been set so that complaints, problems and issues are dealt with and resolved as quickly as possible. This is important in terms of reducing the impact of stress and possible long term sickness that may be caused to individuals involved in the resolution process.
- 7.2 It is accepted that timescales may not always be easy to adhere to and this will need to be discussed throughout the process between managers, HR advisers and trade union representatives.

8. MONITORING THE USE OF THE PROCEDURE

- 8.1 The Human Resource Advisers are responsible for collecting information about the use of the procedure. The monitoring processes do not identify individuals.
- 8.2 Contact Advisers are also responsible for producing monitoring reports to submit information on a quarterly basis to Human Resources.
- 8.3 Human Resources will produce information gathered from these reports on a half yearly basis.

Appendix 1

9 HOW TO GET INFORMATION AND SUPPORT

Contact Advisers

- 9.1 Employees who feel they are experiencing harassment, discrimination, and victimisation or bullying at work can access the City Council Contact Advisers for information and support. Details of the Contact Advisers will be promoted and people can contact them also by contacting Human Resources or through the staff Forums.
- 9.2 The Contact Advisers are employees of the City Council from all levels and all Portfolios. They undertake this role on a voluntary basis and can offer support to colleagues experiencing difficulties. The Contact Adviser will arrange to meet the complainant at an agreed venue unless the situation can be handled on the telephone at the time of the initial contact.
- 9.3 The role of the Contact Adviser is to:
 - Be available as a point of contact for those experiencing harassment, discrimination, victimisation or bullying at work;
 - To listen, reassure and support;
 - To respond in a sensitive, non-judgmental manner
 - To advise the complainant of the options available under the City Council policy and procedure and the possible implications;
 - To encourage the complainant to seek the advice of other relevant people.
- 9.4 Contact Advisers may also be a point of contact for witnesses, third party complainants, and the subject of the complaint but not both parties to the same complaint.
- 9.5 The Contact Adviser will complete appropriate forms to record information for statistical recording and to log details of the complaint. The forms will not identify the complainant at this stage and a reference code will be allocated to the

individual concerned. Forms will be sent to Human Resources for monitoring and recording. **They will be destroyed 12 months after the last contact.**

- 9.6 Contact Advisers will not be involved in representation of individuals in any informal or formal investigations.

Trade Unions and Other Sources of Support

- 9.7 Alternatively employees can contact either their Trade Union, Human Resources or another colleague for advice and support.

Appendix 2

10. Definitions of Harassment, Discrimination, Victimisation and Bullying

10.1 Harassment/Sexual harassment

Harassment is unwelcome conduct related to a protected characteristic; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is conduct which makes an employee feel offended, humiliated or intimidated or creates such an environment. It can include behaviour which an employee finds offensive even if it isn't directed at them.

Sexual harassment can involve one or more incidents and may be physical, verbal or non-verbal. Examples of conduct or behaviour which constitute sexual harassment include;

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on an employee's appearance, sex (gender) age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the gender of the employee
- Condescending or paternalistic remarks
- Sexual verbal favours

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering
- Sending sexually explicit messages (by phone or by email)

An employee can be a victim of sexual harassment, regardless of their gender and of the gender of the harasser. Sheffield City Council recognises that sexual harassment may also occur between people of the same gender. What matters is that the sexual conduct is unwelcome by the person against whom it is directed.

Anyone (including employees of Sheffield City Council, clients, customers, agency workers, contractors or visitors) who harasses another person will be investigated.

Harassment is unacceptable, whether it takes place on Sheffield City Council premises or elsewhere (including social events, business trips, training sessions or conferences) during or outside of work time.

Sexual Assault

Sexual assault is a criminal offence. It is defined as an act of physical, psychological and emotional violation in the form of a sexual act, inflicted on someone without their consent. It can involve forcing or manipulating someone to witness or participate in any sexual acts. Sheffield City Council will notify the police if it is suspected or alleged that a criminal offence may have taken place.

10.2 Discrimination

Discrimination is less favourable treatment of an individual related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Discrimination can be direct; this is where the less favourable treatment is because of one of the protected characteristics above, or where there is an association or perception of one of these. For example if an employee is refused opportunities at work because of their age this would be direct discrimination.

Indirect discrimination is where a requirement is made which has the effect of being less favourable towards someone with a protected characteristic. It is usually less obvious and can be unintended. For example, if a job advertisement stipulated a minimum number of years’ experience (which could not be justified) this would be indirect discrimination.

10.3 Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour. It can involve an abuse of power and may or may not be related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. For example, if a manager picked on an employee because they disliked him or her this would be bullying.

10.4 Victimisation

Victimisation is treating an employee badly or subjecting them to a detriment because they have made a claim for discrimination or harassment, supported a colleague’s complaint, or are perceived to have done so.

The protection applies if the employee did this in good faith even if the claim later proves to be wrong or proceedings are unsuccessful.

Examples where an employee is subject to bullying, ostracised in the workplace, rejected for promotion, denied training, disciplined or dismissed as a result of their complaint. This is all classed as victimisation.

It is legal protection for those who have made a complaint under the Equality Act. There is no time limit within which the victimisation must happen for an employee to be protected; it will be valid if an employee is treated badly because of their previous complaint, even if this is years later.

APPENDIX L

Sheffield City Council Alcohol, Drug and Substance Misuse Policy

1 Introduction

- 1.1 Sheffield City Council’s [Corporate Plan](#) sets out our aims and how we will go about achieving them. Ensuring Sheffield people will have good health is a priority for the Council as we tackle the underlying root causes of poor health and develop excellent public health services in the city.
- 1.2 Sheffield City Council is committed to the well-being of its employees and to offering appropriate health support wherever possible. The Council’s focus is always with the working lives of its employees and not their private lives or outside activities, as long as these do not:
- impact on the Council’s duty of care to service users
 - affect their ability to undertake the duties for which they are employed, and / or
 - bring the Council into disrepute (see [Code of Conduct](#))
- 1.3 **The Alcohol, Drug and Substance Misuse Policy** will assist the Council in complying with its legislative requirements, namely the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999, Misuse of Drugs Act 1971, Road Traffic Act 1988 and Transport and Work Act 1992 and provide within a workplace setting a supportive and rehabilitative approach for staff with alcohol, drugs and other substance related issues.

2 Aims

- 2.1 The aim of this policy is to provide guidance on the Council’s expectations of employees while at work and a framework for dealing with employees whose misuse of alcohol or drugs and substances impacts on their work and safety..

3 Scope

- 3.1 The policy is intended to apply to all employees of the Council.

4 Definitions

- 4.1 For the purpose of this policy:-
- 4.1.1 Alcohol Misuse is defined as:

‘the drinking of alcohol in such a way as to impair the employee’s ability to perform his /her duties, interfere with attendance at work, or endanger the safety of themselves and others’,

4.1.2 Drug misuse is defined as:

‘the taking of drugs by an employee in such a way that his/her ability to perform their duties is impaired, interferes with their attendance at work, or endangers the safety of themselves and others. This includes over the counter drugs or prescription drugs where such prescription drugs have not been prescribed for the person possessing or using the drugs and/or where such prescription drugs are not taken in accordance with a physician’s direction.

4.1.3 Substance misuse is defined by the [National Institute of Clinical Excellence](#) (NICE) as:

Intoxication by – or regular excessive consumption of and/or dependence on– psychoactive substances, leading to social, psychological, physical or legal problems. This includes the problematic use of both legal and illegal drugs. (including alcohol when used in combination with other substances)

5 General principles

- 5.1 Employees are expected to behave responsibly at all times and to safeguard their own health and safety, as well as that of others around them.
- 5.2 Any employee who is concerned that they may have a dependence on alcohol, drugs or any other substances is encouraged to seek help and advice from their General Practitioner.
- 5.3 If the Council believes that an employee is dependent on alcohol, drugs or any other substances it may require the employee to be assessed by an [Occupational Health](#) practitioner. The Council will regard anyone seeking help with alcohol or drug / substance dependency as having a health problem and will support the individual to access appropriate help and treatment.
- 5.4 Managers need to contact the Occupational Health Service prior to making a referral for anyone they suspect may have a substance misuse condition / issue. This is because if the employee denies having a substance misuse condition / issue the Occupational Health Practitioner is limited to how they can assess the person and the advice they can give. The Occupational Health practitioner will then provide the Council with a report on the employee’s circumstances and advice regarding their fitness for work.
- 5.5 Any employee who believes that a colleague has an alcohol, drug / substance dependency problem should encourage them to seek professional help. Where it is difficult for an employee to approach the colleague or a colleague who is a more senior member of staff they may wish to speak to Human Resources for further guidance.

- 5.6 Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties, which must include being alcohol, drug and substance free. Employees need to be mindful that alcohol / drugs/ substances may remain in their system for a considerable time. As such consumption out of work could still affect behaviour and performance at work.
- 5.7 Employees who use prescription or over-the-counter medication which causes an impairment and impacts on their fitness to work must declare this to their manager as soon as possible to determine if medical advice should be sought or adjustments made.
- 5.8 If it is suggested that the work / working environment might be contributing to a dependency problem then the Council will consider such claims and take all reasonable action to reduce such problems where they may exist.
- 5.9 The Council will treat reasonable absences for advice and treatment for dependence on alcohol, drugs or substances as [Discretionary Leave](#) (refer to policy), provided the employee concerned regularly informs the Council of progress and genuinely attempts to overcome the dependency problem. Discretionary leave can be up to but not exceeding the length of time under the [Disability Leave](#) Policy (refer to policy). Clear records of appointments attended and treatment advised should be kept by the manager. The need for confidentiality will be respected. Colleagues and other managers can only be informed on a need to know basis. This could be with or without the employee’s approval / consent. The employee will be informed of the decision to inform others and why the decision was taken.
- 5.10 If, because of an alcohol or drug / substance dependency, a person’s performance, attendance and/or work/behaviour is suffering this could mean the Managing Absence Procedure ([MAP](#)) or Managing Performance Procedure ([MPP](#)) being implemented and/or disciplinary action being taken.
- 5.11 Should help be refused or treatment unreasonably discontinued by the employee or, if after three months there is no improvement in behaviour and/or work performance remains poor, disciplinary / MAP / MPP process will continue. This could result in the termination of an individual’s contract of employment.
- 5.12 An employee can only choose to be accompanied by a trade union representative or a work colleague when they are in formal procedures concerning alcohol or drug / substance dependency, in relation to work performance/behaviour. If, because of alcohol or drug / substance dependency an employee behaves or carries out their work in such a way as to endanger themselves or others, prompt corrective action will be taken as necessary to prevent damage being done. In this situation the employee’s alcohol or drug / substance dependency will be taken into account, but it will not necessarily free the person concerned from the consequences of their conduct.
- 5.13 In some cases an employee who develops dependency on alcohol or drugs / substances may become unsuited to a particular post. Under MAP/MPP consideration will need to be given to the position of such employees and, wherever possible, a suitable alternative

post sought. If the employee seeks treatment and it is effective the employee’s suitability for the original job can be reassessed.

- 5.14 An employee must be aware of their responsibilities under the Road Traffic Act 1988, or subsequent legislation in respect of alcohol and/or drugs and substance misuse and the driving of motor vehicles.

6 Behaviour at Work

- 6.1 Employees must arrive at work fit for work and free from the effects of alcohol, drugs or substances. (Please refer to section 4 for definitions of misuse)
- 6.2 Employees should not consume alcohol, drugs or substances during their working hours including breaks as defined in the code of conduct. Employees should always be aware that they are representing the Council and behave in a responsible manner.
- 6.3 If an employee is at a social event representing the council where they are being paid or able to claim time e.g. a charity event they should not consume alcohol. However, if they are representing the council in their own time and want to consume alcohol then they need to do this responsibly so as not to bring the council into disrepute. (See Code of Conduct).
- 6.4 The possession and / or supplying of illegal drugs is an offence under the Misuse of Drugs Act 1971 and it is an offence for any employer knowingly to allow its premises to be used for the use or supply of controlled drugs. Employee involvement in such activity at work will be treated as gross misconduct.

7 Intervention

7.1 Action by employee

- 7.1.1 If an employee thinks they may have an alcohol, drugs or substance abuse problem they may speak to their manager who will discuss with the employee any action that the employee is taking to address the problem. This will be done in a confidential setting. The employee may choose to seek assistance from their GP, Trade Union , HR or other counselling or treatment agencies or through the [Employee Assistance Programme](#). (see paragraph 10)

7.2. Action by Manager:

- 7.2.1 If a manager has reasonable grounds to believe that alcohol, drugs or substance misuse may be adversely affecting an employee’s performance, attendance or conduct, s/he should raise the issue with the individual privately, in a sympathetic and constructive manner. The manager will clearly outline to the employee the reasons for the concerns, providing examples.

- 7.2.2 Following discussion with the employee, the matter may immediately be resolved if the manager is satisfied that there is no further reason for concern about alcohol or drugs misuse. The employee will be advised that if in future, concerns arise regarding performance, attendance or conduct, then the appropriate procedure ([Disciplinary/ Absence / Performance](#)) will be followed.
- 7.2.3 If the employee confirms that they are experiencing a problem with alcohol, drugs or substance misuse, then the manager will direct them to the support available, as above.
- 7.2.4 At this stage, a referral to the Occupational Health Service will normally be made. The manager will keep in contact with the employee to monitor progress and ensure that on-going support is provided.

7.3 **Action by work colleagues:**

- 7.3.1 It is likely that an employee with an alcohol, drugs or substance misuse problem will come to the notice of colleagues possibly through indications of inadequate or deteriorating work performance. It is in the interest of an employee with an alcohol or drug /substance related problem to be offered help as soon as possible, as prompt action carries the best hope of successful treatment.
- 7.3.2 The first approach should normally be for colleagues to encourage the employee to recognise their problem and to seek advice, either through their GP or [specialist agencies](#). If a colleague feels unable to do this or if this fails, colleagues are encouraged to contact Human Resource for further advice, so that more a formal approach may be taken. Reluctance by colleagues to take such an initiative is understandable. However, past experience suggests that covering for neglected duties can delay or prevent a successful outcome.

8 **Confidentiality**

- 8.1 If an employee discloses or acknowledges that they have an alcohol, drug or substance misuse problem, then this will be treated with the same degree of confidentiality, as far as is legally possible, as any other medical or psychological condition. Employees should be as respectful about confidentiality relating to medical conditions of their colleagues as they would hope to enjoy themselves.

9 **[Employee Assistance Programme](#)**

- 9.1 The Employee Assistance Programme is available to all staff with the exception of teachers. Staff can access counselling, legal and financial advice and support through the service. Click on link above - **Username sheffield, Password council** both are lower case.

10 **Disciplinary Action by the Council**

- 10.1 The Council recognises that employees with alcohol / drug / substance dependency problems may be successfully treated. However if a person’s performance, attendance

and/or work/behaviour is suffering this would mean MAP/MPP being implemented and/or disciplinary action being taken.

- 10.2 If an employee is known to be, or strongly suspected of misusing alcohol / drugs / other substances during working hours arrangements will be made for him/her to be immediately escorted from the Council’s premises and if necessary taken home. Misuse of alcohol, drugs and other substances on Council premises, whether resulting from a dependency problem or not, is a serious breach of the Council’s [Code of Conduct](#) and may lead to formal action being taken under Council procedures. In such situations the manager should consult with HR, where possible.
- 10.3 On Council premises an employee who takes illegal drugs / alcohol / substances or prescription drugs which have not been prescribed for him/her will, in the absence of mitigating circumstances, be committing an action of gross misconduct. The relevant disciplinary procedure will apply. This action will also apply to any employee believed to be buying or selling drugs/and / substances; unlawfully possessing drugs and/or substances; who has stolen drugs and /or substances on Council premises. The Misuse of Drugs Act 1971 may also apply in the above circumstances.

11 Links with other council policies

- 11.1 This policy will also link to and be used in association with the [Code of Conduct](#), [the Dignity & Respect at Work Policy](#), the [MAP/MPP](#) Policy / Procedure, [Social Networking Guidance](#), Discretionary Leave, [Help to Stop Smoking guidance](#).