

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

13 September 2010

Independent Remuneration Panel - Issues for Standards Committee**1.0 PURPOSE OF REPORT**

- 1.1 To refer to Members for consideration, issues raised by the Independent Panel on the Remuneration of Members for the County Council in relation to guidance on attendance at meetings, participation in training and guidance on the use of ICT.

2.0 BACKGROUND

- 2.1 Annually the Independent Panel on the Remuneration of Members ('the Panel') considers issues which might be pertinent to the consideration of the level of Members' allowances. The Panel reports to the Council in December.
- 2.2 In their report to the Council in December 2009 (Extracts at Appendix 1), the Panel considered and commented on the level of Member attendance at Council Committees. The Panel considers that high levels of attendance at key meetings, and engagement in training and development to assist Members' effective participation in Council business, are important in the perception of the public in giving assurance that Members are properly equipped to act in their Council role.
- 2.3 The Remuneration Panel expressed the view in the 2009 report that 75% attendance at committee meetings should be a reasonable minimum expectation. The Panel recommended that the monitoring of attendance by the Standards Committee should continue, but that the Committee might wish to take the 75% benchmark into account when considering attendance. At present the Standards Committee monitors Members' attendance at Committee annually, and has developed a practice of, in those cases where attendance falls below 60%, approaching the Group Leader for the Member involved to raise the issue and establish whether there are reasons for the attendance level being low.
- 2.4 Attendance levels at Member seminars and training events is monitored but not reported to this Committee as a matter of course.

3.0 LEGAL POSITION

- 3.1 Section 85 Local Government Act 1972 provides that if a Member of an authority fails, throughout a period of six months from the date of his/her last attendance, to attend any meeting of the authority, she/he shall, unless the reason for not attending is approved by the authority, cease to be a Member of the authority.
- 3.2 There are no legal requirements in relation to Member attendance at training but it is recognised as good practice that Members should attend appropriate training to equip them for the various aspects of their role.

4.0 COMMITTEE ATTENDANCE

- 4.1 The role of Councillors is complex, involving various components including community leader, division representative, and decision-maker. Crucial elements of

the role of Members are engagement directly with the public within their area of responsibility, community leadership and participation in decision making.

4.2 By participating in decision-making, Members ensure that community views and their views in exercising the mandate provided to them by the electorate influence the policy and direction of the Council and the services it delivers. The Council also has statutory duties and discretions and all Members have an important role in ensuring those responsibilities are fulfilled.

4.3 Some Members also participate in regulatory or quasi judicial committees. These committees perform functions which the Council is obliged to undertake e.g. planning and ethical standards. It is particularly important that Members of these committees should attend training to ensure that the Council is exercising its functions properly.

5.0 **TRAINING**

5.1 The Panel observed that a comprehensive knowledge of the Council is essential to effective performance as a Councillor. The Panel recognised that different Members will have different needs, but that certain topics, such as the budget and equality and diversity issues, will be essential to all. As mentioned above, training is also already compulsory for Members who perform certain roles, particularly the Planning and Regulatory Functions Committee, Audit Committee, Standards Committee and Employment Appeals Committee.

5.2 The Panel considered that, as part of the role of the Standards Committee, it should be asked to establish a framework for the expectation that might reasonably be placed upon Members to engage in training and development.

6.0 **ICT**

6.1 The Panel considered that the use of ICT is now an important part of the approach a Councillor should take in communicating with the Council and with their constituents. They expressed a wish to encourage all Members to be as efficient and effective as they can, including in the use of ICT.

6.2 The Panel recommended that the Standards Committee should also consider the use of ICT by Members within a wider context, particularly that guidance should be considered on the use of ICT to support communication between the Councillors, the Authority and its constituents.

6.3 Members should note that the attached Code of Conduct for the use of ICT by Members in Appendix 2 gives general guidance upon the framework for the use of ICT by Members, and emphasises that the Council expects Members to make use of ICT equipment and facilities to carry out their role to enable efficient and effective communication in their Council role.

7.0 **PANEL RECOMMENDATIONS**

7.1 The Panel recommended that the Council should ask this Committee to consider reviewing guidance and frameworks on the following:

- a) The need for regular attendance at meetings and monitoring attendance levels at meetings;
- b) The appropriate level of engagement with training and other opportunities to understand issues relating to Council services and monitoring attendance levels at training events;

c) The use of ICT to support communication between the Councillor, the Council and constituents.

7.2 Having regard to the Panel recommendations, Members are asked to consider whether guidance and frameworks on the above issues should be further developed.

8.0 RECOMMENDATIONS

8.1 Members are asked to consider the recommendations of the Independent Panel on the Remuneration of Members and to determine whether guidance and frameworks on the matters set out in the report should be further developed.

CAROLE DUNN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Documents:

Report of the Independent Panel on Remuneration of Members North Yorkshire County Council to the County Council in December 2009

County Hall
NORTHALLERTON

8 September 2010

6.0 Members Attendance

- 6.1 Following our consideration of these matters last year, we had asked for additional detail to be provided for this year's Panel. We consider that high levels of attendance at key meetings, and evidence of training and development, are of great importance in the public perception of what a Member requires to ensure a knowledge base to act effectively on their behalf.
- 6.2 Whilst there will be reasons why it is not possible to attend some meetings, it is our view that 75% attendance should be a reasonable minimum expectation.
- 6.3 Whilst average levels of attendance are acceptable, and the majority of Members seem able to meet the benchmark mentioned above, we note that some Members fall well short of this.
- 6.4 We recommend that the monitoring of attendance by the Standards Committee should continue, and that the Committee might wish to take the 75% benchmark into account when considering matters of attendance as part of its normal business.
- 6.5 We considered the format and information published on Members allowances and expenses, and noted that the same document is used to meet the previous recommendations of the Panel that attendance data for meetings should be published.
- 6.6 The format of the information is considered to be appropriate, but we recommend that further consideration be given to how the detail is published. We note that at present this is available on the website, with only a small and very summarised notice published in the North Yorkshire Times to draw it to the attention of the public. This might be expanded with a more prominent article.
- 6.7 We also consider that the Standards Committee may wish to review attendance at training events, including Members' Seminars, as part of their programme of work, bearing in mind the link between a deep knowledge of Council matters and the ability to act effectively as a local Councillor.
- 6.8 We noted that training is considered compulsory for Members who sit on certain Committees with specific governance roles, in particular the Planning and Regulatory Functions, Audit, Standards and Employment Appeals Committees. We welcome this initiative.
- 6.9 In respect of more general training and update sessions, we recognise that different Members, because of their levels of previous knowledge and interest, will have differing needs for these sessions.
- 6.10 There do, however, appear to be a range of issues on which some training is vital and fundamental to ensuring the effective operation and governance of the Council. We highlighted two examples; matters relating to the budget; and equality/diversity issues. There will be others identified from time to time through the Council's learning and development and member support processes.

6.11 We recommend that the County Council might consider including, as part of the role of the Standards Committee, the setting of a framework for the expectations that might reasonably be placed on elected Members to engage in such training and development. In setting this framework we recognise that a simple benchmark percentage will probably not be appropriate in this situation.

8.0 Basic Allowance

- 8.1 In relation to the Basic Allowance, the Panel received information about the level of allowances paid in other local authorities within the County Council's comparator group. We also noted that this group had changed from April 2009, because of the impact of local government reorganisation. The relative position within this group of 16 counties had moved to 9th for 2009/10, compared with 10th in 2007/08, and 11th in 2008/09. The relative financial position is that the North Yorkshire Basic Allowance is 3.5% below the average for the group, and it was noted that there was some "bunching" around authorities paying a similar amount to the County Council.
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- 8.2 The Panel were satisfied, therefore, that the position of the County Council's allowance had not changed significantly over the last 12 months, and that our consideration this year should be restricted to considering the case for an increase in the value of a unit, including the affordability of such an increase.
- 8.3 Information was considered on levels of increases made in recent years, together with information on officer pay awards and the rate of inflation. It was noted that our consideration of the 2009/10 increase had been made in October 2008, and that much had happened on the economic front since that time, including low pay awards to staff from April 2009, and a period of deflation based on RPI.
- 8.4 Taking account of all the factors, both looking forward, and considering our previous recommendations, it is our view that a NIL increase is justified at this time, and this is our recommendation to the County Council.
- 8.5 Last year we considered the case for the separate ICT allowance within the Basic Allowance, and recommended that this should be discontinued and a consolidated Basic Allowance put in place. This approach was agreed by the County Council.
- 8.6 Part of our reasoning was that the use of ICT was no longer something that could be seen as optional, but had become an important part of the approach that Councillors should take in communicating with the Council and with their constituents.
- 8.7 We had considered whether an option of withholding a part of the new consolidated allowance should be built into the scheme to deal with any issues about non-adoption of these modern ways of working, but considered this would not be desirable as it might send out the wrong message on the importance of ICT use.
- 8.8 We wish to encourage all members to be as efficient and effective as they can, including the use of ICT. Having noted that there is, in a small minority of cases, a reluctance to engage fully in this use, we would be prepared to consider a change to the allowance scheme in the future, to reflect this issue.
- 8.9 In the meantime, we would recommend to the Standards Committee, that the use of ICT by Members is considered by the Committee within a wider context, linked also to matters raised earlier in this report, on the way in which Members undertake their role. We return to this later in the report.
- 8.10 In summary, the Panel is recommending that the Basic Allowance from 1st April 2010 is based on 5.825 units and at a unit value of £1,544. This would lead to a Basic Allowance of £8,994 ie the same amount payable in 2009/10.

11.0 Matters which might be considered by the Standards Committee

- 11.1 In our considerations this year, a number of issues have arisen that appear, to the Panel, to require more detailed consideration by the County Council. These fall outside the direct remit of this Panel, but are closely related to the issues we are charged to consider, and on which we must make recommendations to the County Council.
- 11.2 Section 5 of this report on Ethics and Standards highlights issues regarding the consistent compliance with some aspects of the governance framework. Section 6 deals with some cases of apparent low attendance at Committee meetings and the possible need for a clearer framework of expectations regarding members engagement with training and development. Section 8 highlights some continuing issues regarding the use of ICT to support the Councillor role.
- 11.3 It is apparent that these issues apply to small numbers of councillors in each case.
- 11.4 In view of recent heightened public awareness of the role of elected representatives, the Panel, recommends that it would be appropriate, for the County Council to ask the Standards Committee to consider reviewing guidance and frameworks on the following:
- guidance on the need for regular attendance at meetings, and then monitoring attendance levels at meetings
 - guidance on the appropriate level of engagement with training and other opportunities to understand issues relating to Council services, and monitoring attendance levels at training events.
 - guidance on the use of ICT to support communication between the councillor, the authority and constituents.

NORTH YORKSHIRE COUNTY COUNCIL

Code of Conduct for the Use of ICT by Members

PART 1 – GENERAL PROVISIONS

1.0 Introduction

- 1.1 The County Council expects Members to make use of ICT equipment and facilities to carry out their role. This enables efficient and effective communication and, increasingly in the future, communication and the provision of information by electronic means will prevail.
- 1.2 To assist in this, **County Council Email facilities are made available to all Members.** In addition, **the Council will provide Members with a number of ICT options to use at home and other locations** to facilitate the performance of their role. **The Council is committed to the development of the range of information which is available to Members electronically** and to enable Members to conduct more of their business electronically.
- 1.3 The use of the ICT options can facilitate effective working, but given the need to ensure that the Council as a public body operates at all times properly and lawfully, **the use of IT by Members and Officers of the Council must be within a regulated framework.**
- 1.4 **The Code of Conduct for Use of ICT by Members ('the Member's ICT Code') sets out the conditions on which ICT facilities and equipment are provided and must be complied with, in order to minimise those risks both to the Council and to Members.**
- 1.5 In using ICT facilities, Members should also have regard to and comply with the Members' Code of Conduct.

2.0 Options for equipment and facilities

- 2.1 The ICT options available to Members are:
- (a) **Provision of a Laptop:** The laptop will come with software installed that will enable Members to use Email, access the internet and intranet, backup key data and produce documents, spreadsheets and presentations. The laptop will be encrypted.
 - (b) **Provision of an NYCC Blackberry:** This device is similar to a mobile telephone but will also alert the user to the receipt of new Emails. Emails can be created and sent and synchronised automatically with the County Council's Groupwise Email system. Functions also include access to the Groupwise calendar, limited attachment viewing and prepaid access to the internet. The Blackberry will be encrypted.

- (c) **Use of a non NYCC PC:** For those Members who would prefer to use their own Personal Computer (PC) or a PC provided through their work or their role on another authority such as a District Council, the County Council will provide the Member with an account and access to Email via Webmail.
- (d) **Provision of an NYCC printer** in conjunction with the above options.

2.2 Each Member is required to abide by the Member's ICT Code, as a condition of being provided with these facilities and must comply with its terms at all times.

3.0 **Security for the Computer**

- 3.1 For the purposes of this document, "computer" means the laptop provided to the Member by the Council, together with any equipment (including monitor, docking station etc), software or materials provided for use with the laptop.
- 3.2 The Member accepts responsibility for the safe-keeping of the computer at all times, especially when the computer is used in a location other than the Member's home.
- 3.3 The Member shall make reasonable arrangements for the safe-keeping and security of the computer. This will include using the Kensington lock security device provided.
- 3.4 Access to the Council's Groupwise Email and calendar via the computer is subject to password security. The Member shall ensure that no-one other than the Member is given access to any Council information systems and shall not reveal his/her password to any other person.
- 3.5 The computer should not be left logged on or unattended.

4.0 **Security for the Blackberry**

- 4.1 The Member accepts responsibility for the safe-keeping of the Blackberry at all times, especially when the Blackberry is used in a location other than the Member's home.
- 4.2 The Member shall make reasonable arrangements for the safe-keeping and security of the Blackberry.
- 4.3 Access to the Council's information systems via the Blackberry is subject to password security. The Member shall ensure that no-one other than the Member is given access to any Council information systems and shall not reveal his/her password to any other person.
- 4.4 The Blackberry should not be left logged on or unattended.

5.0 Use for Council Business

- 5.1 The computer/Blackberry is provided to the Member specifically to facilitate the discharge of the Member's role as a County Councillor. The Member must not, therefore, use the computer/Blackberry in any manner which will prevent or interfere with its use for that purpose.
- 5.2 Accordingly, the Member must not:
- (a) misuse the computer/Blackberry in such a manner as to cause it to cease to function.
 - (b) attempt to install any equipment or software on the computer/Blackberry.
- 5.3 The Member must:
- (a) Ensure that the computer/Blackberry is maintained in a working condition;
 - (b) Report any faults promptly to the ICT Servicedesk on 01609 533500 or by Email at incident.ictservicedesk@northyorks.gov.uk);
 - (c) Provide access as required to Council Officers to service, maintain or repair the computer/Blackberry.
- 5.4 The County Council will provide a printer if required. Reasonable quantities of paper and replacement ink cartridges will be made available (contact Committee Services on 01609 532212 or 01609 532848 if you need some more). As with all Council resources, this facility is to enable Members to carry out their County Council role. Accordingly, the Council may decline to provide further material beyond a certain allowance where the use of such material appears to the Council to be excessive or required for private (non-Council) use.

6.0 Use of equipment for non County Council Purposes

- 6.1 Subject to the provisions of the Members' ICT Code, the Member may use the computer/Blackberry personally for limited private purposes provided access to the Council's Information Systems are not divulged. Such private use must not extend to non-Council **business** use.
- 6.2 No additional software for private use, including games, is permitted on the computer/Blackberry.
- 6.3 The Council is subject to the Local Authority Code of Publicity and is particularly prohibited from publishing any material of a party-political nature. The Members' **Code of Conduct also requires that Council resources should not be used for political purposes, and that Members should have regard to the Local Authority Code of Publicity.** A Member should not therefore use the computer/Blackberry for party political purposes. It is acceptable to use the facility for purposes in connection with the Council's business, such as use, properly, in relation to holding surgeries, and dealing with correspondence from constituents.

6.4 The Council accepts no responsibility for private or non-Council business use of the computer/Blackberry, or any loss, costs or liability which the Member or any other person may suffer as a result of the use of the computer/Blackberry.

6.5 Where a Blackberry is provided and is enabled for use as a mobile phone, the Member may use this for both personal calls and calls made on County Council business. It should be noted however that **all** call costs must be met by the Member, as the cost of phone calls in general is reflected in the Basic and Special Responsibility Allowances payable to Members.

7.0 **Return and Recovery of the Computer/Blackberry or Printer**

7.1 The computer/Blackberry and any provided printer remains the property of the Council.

7.2 The Council reserves the right to require the Member to return this equipment at any time and the right to recover the equipment from the Member.

7.3 The Member is required to return the equipment to the Council upon ceasing to be a Member, for reuse within the Council where possible, or for appropriate data cleansing and disposal. Please contact the ICT Servicedesk on 01609 533500 to arrange a mutually convenient time for collection.

8.0 **Confidentiality and Data Protection**

8.1 The Member will be able to access confidential (including personal) Council information using the computer/Blackberry and may have access to such information in an email or attachment. In the course of their work as a Councillor, a Member may be involved in acquiring personal information about individuals. The Member is responsible for ensuring the continued security of any confidential information in whatever form it is received, created or retained.

8.2 Whilst the laptop or Blackberry will store information in encrypted form, this is unlikely to be the case on a non-NYCC computer. Members using such equipment must not save personal or confidential information accessed via webmail to their non-NYCC computer's hard drive or other memory device,

8.3 In relation to confidential information, Members are reminded of their obligations under the Council's Code of Conduct for Members which states:-

"You must not:-

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;

- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.”

If you are in any doubt about the disclosure of information, you should seek advice from the Monitoring Officer.

- 8.4 Members will not be responsible for the actions of persons authorised by the Council to repair or maintain the Computer/Blackberry. Those persons will be separately responsible to the Council for the confidentiality of the information stored on the Computer/Blackberry.
- 8.5 Some confidential information will be personal information relating to individuals. In dealing with personal information members need to ensure its privacy and confidentiality are protected. The County Council has a Data Protection Policy covering these issues that applies to Members. Guidance for members is included in a separate document “Data Protection: A Brief Guide for Elected Members”.
- 8.6 The unauthorised processing or disclosure of information is prohibited under the Data Protection Act 1998 and Members are responsible for ensuring that they do not process or disclose in breach of the Data Protection requirements.
- 9.0 **Restriction of Use**
- 9.1 The Council reserves the right to restrict the use of the computer/Blackberry if it has reason to believe that the use of the computer/Blackberry is likely to offend any provision of this Member’s ICT Code. In particular, the Council reserves the right to:
- (a) remove or disable any software or equipment
 - (b) remove any information stored on the computer/Blackberry.

PART 2 – INTERNET USAGE

10.0 Introduction

- 10.1 This section contains details of the County Council's Internet usage protocols and policies. It deals with internet access using County Council equipment, which includes internet access by using the computer/Blackberry provided to a Member, or any other County Council computer.
- 10.2 This access is fully logged and may be monitored. The facility utilises the County Council's internet access service which filters content, with the aim of restricting access to inappropriate sites. A complete list of the categories included in the access band available to Members, and their interpretation, can be obtained from the Information Security Officer in ICT Services (01609 798868).
- 10.3 Whilst the filtering software package aims to block certain categories of material available on the internet, it is still possible that there might be accidental access to websites that contain illegal or offensive material. This should be reported to the Information Security Officer (01609 798868) The Member should disconnect from the site and take details as to how it was accessed. The address of the site will then be added to the list of "banned sites" to prevent further such access by all County Council users.
- 10.4 Even with this filtering facility it is still important, however, that access to logon ID and passwords are not disclosed.
- 10.5 **Software must not be downloaded onto the computer/Blackberry under any circumstances.** This includes
- Software
 - Shareware
 - Games
 - "Screensavers"
 - "Update patches" available for "free" on the Internet.
- 10.6 Failure to comply with this requirement may:
- infringe copyright
 - use up space on the computer hard drive, which may prevent or slow down access to approved applications.
 - contain a non-detected virus which could corrupt the Council's systems
 - not be compatible with the computer configuration.
- 10.7 You will be personally liable for breaches of copyright where it is directly attributable to your actions.

10.8 The deliberate visiting or downloading of any material from Web Sites containing illegal or unacceptable material could amount to a breach of the Members' Code of Conduct, and may in some circumstances amount to an offence in respect of which the Police may be notified.

10.9 Examples of the material that is considered to be illegal or unacceptable are given below, although this is not an exhaustive list:

11.0 Illegal Material

11.1 It is illegal to create, access, store, transmit or publish any material which falls into the following categories: -

- National Security such as instructions on bomb making, illegal drug production or terrorist activities
- Abuse in the form of marketing, violence or pornography
- Incitement to racial hatred or discrimination
- Economic fraud such as instructions on pirating credit cards
- How to breach security via malicious hacking

12.0 Unacceptable Material

12.1 It is unacceptable to create, access, copy, store, transmit or publish any material which is: -

- Obscene, vulgar (indecent, lewd, repulsive, offensive, coarse)
- Likely to irritate or waste time of others
- Subversive to the purpose of the County Council

13.0 Unacceptable Activities

13.1 The Council's Internet facilities must not be used in the pursuit of a private business. It is also unacceptable to undertake any activity which is intended to: -

- Corrupt any information held or transmitted on the Internet
- Detect any weakness in the security infrastructure (testing firewalls, cracking passwords)
- Disrupt the normal functioning of the Internet or related services (overloading transactions, introducing viruses)

14.0 If in Doubt

14.1 If Members are in doubt about anything that they are thinking of doing, they should seek further advice. The Corporate ICT Client Manager (01609 533452), the ICT Service Desk (01609 533500) or the Assistant Chief Executive (Legal & Democratic Services) in her role as Monitoring Officer (01609 532173) will be able to provide advice. Members should never leave themselves open to suspicion of misuse.

PART 3 – USE OF EMAIL FACILITIES

15.0 Introduction

15.1 This section contains details of the County Council's Email usage protocols and policies as they apply to Members.

15.2 **All Members will be issued with a standard format NYCC Email address, regardless of which equipment option they choose to use. It is no longer possible to have forwarding rules applied to these accounts. Therefore, Members must ensure that they regularly check their NYCC account for new Email.**

16.0 Protocol

- 16.1 (a) Remember, Email may be subject to public disclosure, or may have to be disclosed in court in legal proceedings. You should ask yourself before sending an Email, e.g. how would you feel if the Email message was read out in Court.
- (b) You should seek confirmation of receipt for important Emails sent.
- (c) Where the Email forms part of a record, you should make and keep hard copies of important Emails sent and received.
- (d) Emails should be attributable and therefore should contain the sender's name and role.
- (e) The unauthorised use of another person's Email account / password / user-code is forbidden.
- (f) Confidential and personal data should not be mailed electronically. De personalised data should be used. **If such information must be sent via Email it should be sent in a password controlled document. The password should not be included in the Email, but should be disclosed to the intended recipient(s) verbally.** Wrongly or mistakenly addressed Emails may result in inappropriate disclosure of personal information. The above procedure will assist in ensuring that personal information is not disclosed inappropriately via the Email system.
- (g) Using the Email system for any form of illegal activity may lead to criminal action, and may amount to a breach of the Code of Conduct.
- (h) Emails should not contain any illegal or unacceptable material.
- (i) You should not impersonate any other person when using Email or amend messages received.
- (j) Harassment or intimidation conducted by Email may amount to a breach of the Members' Code of Conduct and may fall within the definition of behaviour to be dealt under the County Council's Harassment, Discrimination and Bullying Policy.
- (k) Do not create mail congestion by sending "chain mail", trivial messages or by copying messages to those who do not need to see them.
- (l) Occasional and reasonable personal use by a Member is permitted.

- (m) The County Council's system must not be used for unlawful purposes.
- (n) The County Council's Email system must not be used in the pursuit of a private business.
- (o) Members sending a *personal* Email from their County Council Email address should make it clear that this is not sent in their role as a County Councillor. You should start or sign off the Email with the following statement:

"This Email is personal. It is not authorised by or sent on behalf of North Yorkshire County Council, however, the Council has the right and does inspect Emails sent from and to its computer system. This Email is the sole responsibility of the sender."

- (p) The title of the E mail should contain the word "personal".
- (q) A contract is an agreement enforceable at law. You must not enter or purport to enter into a contract by using the County Council's Email system .

16.2 The audit of an Email account and or constant monitoring of Emails, including personal Emails, will only be carried out by the Information Security Officer in association with the Head of Internal Audit if it is suspected that serious breaches of this policy are occurring. Permission for the audit must be obtained from the Monitoring Officer and with the consent of the Corporate Director – Finance and Central Services.

17.0 **Email Etiquette**

17.1 There are 3 reasons why Email etiquette is required:

- **PROFESSIONALISM:** By using proper Email language we will convey a professional image
- **EFFICIENCY:** Emails that get to the point are much more effective than poorly worded Emails
- **PROTECTION FROM LIABILITY:** Member awareness of Email risks will protect the County Council and the individual from legal action.

17.2 The most important etiquette rules are listed below. Following these rules will ensure that your Emails are safe, efficient and effective.

- (a) Be concise and to the point.
- (b) Answer all questions, and pre-empt further questions.
- (c) Use proper spelling, grammar and punctuation.
- (d) Make it personal, but business like.
- (e) Use templates for frequently used responses.
- (f) Answer swiftly.
- (g) Do not attach unnecessary files.
- (h) Use proper structure and layout.
- (i) Do not overuse the high priority option.

- (j) Do not write in CAPITALS.
- (k) Do not leave out the message thread. On Groupwise this means ensuring the box "Include message received from sender" is ticked when a reply is sent.
- (l) Add disclaimers to your Emails.
- (m) Read the Email before you send it.
- (n) Do not overuse Reply to All.
- (o) Be careful with formatting.
- (p) Consider whether you should copy a message or attachment. Do you need senders permission?
- (q) Use a meaningful description in the subject line of the Email
- (r) Use active instead of passive wording.
- (s) Avoid using URGENT or IMPORTANT.
- (t) Avoid using long sentences.
- (u) Check your Email inbox regularly and reply promptly to those requesting a response. Where a prompt, detailed response is not possible, send an acknowledgement giving an estimate of when a full response will be sent.
- (v) Remember Emails about a person would have to disclosed as part of a Data Protection Act Subject Access Request.
- (w) Check you are sending the Email to the right person. There may be more than one person with the same name.
- (x) Emails which have been read should either be deleted or archived as necessary.

17.3 In writing emails, it is important that care is taken to ensure that the content cannot lead to misunderstandings, and in particular to ensure that the email could be construed to be either a form of harassment or contain defamatory statements.

18.0 What is harassment?

- 18.1 (a) Harassment takes many different forms. It can be isolated or repetitive behaviour and may be directed at an individual or group.
- (b) Harassment is considered to be very personal, because what constitutes acceptable behaviour by one individual may be deemed to be harassment by another. Therefore it is important not to send emails that could be interpreted as harassing by others. Some examples are listed below but this is not an exhaustive list.
- Emails containing offensive jokes or containing offensive language;
 - Emails containing offensive pictures or posters;
 - Emails containing derogatory, insulting or aggressive remarks

What are the consequences of not following this policy?

- 18.2 Harrassing behaviour or communications may be the subject of an investigation under the Council's Policy and Procedure on Harassment, Discrimination and Bullying. In addition, such communications, if they amount to bullying, could amount to a breach of the Members' Code of Conduct.
- 18.3 If a Member considers that s/he is the subject of Email harassment, it is important to keep a copy of all relevant Emails. You can seek advice from the Monitoring Officer, or the Chief Executive.

19.0 What is Defamation?

- 19.1 Defamation means to take away or destroy the good reputation of a person. A defamatory statement is a statement which exposes a person to hatred, ridicule or contempt or which causes them to be shunned or avoided, or which has a tendency to lower them in the estimation of right thinking members of society.
- 19.2 Therefore, Members must not
- Send a defamatory statement (via Email)
 - Send any Email without checking whether the content can be misconstrued in any way.

What are the consequences of not following this policy?

- 19.3 The County Council and the sender may be vulnerable to court action if the County Council's Email system is used to disseminate defamatory information. Any Member sending such an Email may breach the Members' Code of Conduct, depending on the circumstances, and would not be entitled to any indemnity from the County Council in the event of court proceeding resulting in a penalty.