

Freedom of Information – Response – 27353

1. Does the Council use publicly available information (for example, social media platforms such as Facebook, LinkedIn, or other online sources) to support debt recovery or tracing activity?

No – occasionally when Suffolk County Council (SCC)'s, Finance team google a debtor it will direct us to their business Facebook page. But we do not use social media to trace/investigate debtors.

2. If yes:

a) For what purposes is this information used? (e.g. confirming address, identifying employment, tracing absconders)

b) Is this use formally documented within any policy, procedure, or guidance?

N/A

3. Please provide copies of, or links to, any relevant documents, including:

- Debt recovery policies
- Investigation or enforcement policies
- Social media or “open source intelligence (OSINT)” guidance
- RIPA-related guidance (if applicable)

Copy of SCC's Debt Recovery Policy attached.

Please find the Adult Social Care Debt Management Policy available on the Suffolk County Council website: [Adult Social Care \(ASC\) debt management - Suffolk County Council](#).

Please also find attached the Social Media Policy for Adult Social Care and Children & Young People's Services.

4. Does the Council define or refer to “open source intelligence” (OSINT), “social media”, or “publicly available information” within its policies or guidance?

Suffolk County Council HR have a Social Media Policy which is attached. We also reference conduct and behaviour in our Disciplinary Policy and Toolkit both attached.

SCC Communications have a social media policy which is available on our website - <https://www.suffolk.gov.uk/about/our-website-and-social-media/social-media>

5. What controls are in place to ensure that information obtained from publicly available sources is:

a) Accurate and up to date

b) Verified before being used to take enforcement action (e.g. Attachment of Earnings)

N/A

6. Is information obtained from social media or publicly available sources ever used as the sole basis for decision-making or enforcement action?

No

7. Does the Council have any requirement for staff to:
- Record when social media or online sources have been used
 - Record what verification steps have been undertaken

N/A

8. Has the Council provided any training, guidance, or instructions to staff on the use of social media or open-source intelligence in debt recovery or investigation activity?

N/A

9. Does the Council's privacy notice (or fair processing information) explicitly state that it may obtain information from publicly available sources, including social media?

ASC: Yes

10. If yes, please provide a copy or link to the relevant privacy notice.

Please find Adult Social Care's privacy notice on our external website: [Adult Social Care \(ASC\) privacy notice - Suffolk County Council](#).

11. Does the Council use credit reference agencies or external tracing tools alongside publicly available information to confirm debtor details?

ASC's Debt team (ADDM) do not use credit reference agencies, but do use Anglia Research, for tracing of Next of Kin details when all 'normal' tracing has been exhausted, [Anglia Research | Genealogy Research | Probate Genealogy](#).

1Suffolk County Council

Debt Recovery Policy

1. Framework

- 1.1 This policy document sets out the Debt Recovery Policy for Suffolk County Council to ensure that all sundry debts and income of the Authority are managed, administered and collected in an efficient and cost-effective manner.

The effective management and collection of debt is an essential contributor to the Council's financial resource and maximises income available to provide services.

- 1.2 The guidelines set down in this policy are discretionary and the Council shall be entitled to depart from them whenever the Council considers it justifiable, whether by reference to the Council's duty to the public purse or otherwise. This shall include (but shall not be limited to) the right to (without notice) set off any money owed to a debtor where the debtor owes money to the Council.

2. General

- 2.1 Debts older than 6 years generally cannot be recovered. Any debt older than 5 years and 9 months, which is not already subject to ongoing recovery action (e.g. negotiated instalments), should be referred immediately by the Corporate Services (CS) Income Team to the Council's legal representative in debt matters to advise on whether it can still be recovered. If the debt cannot legally be recovered, the debt will be referred back to CS Income Team to be written off in accordance with the procedure below.

- 2.2 Appointees are not liable for the debts of a person for whom they are appointee. Attorneys are not liable for the debts of a person for whom they are attorney. Deputies are not liable for the debts of a person for whom they are deputy. Any such debts should be enforced against the debtor in person, via a litigation friend if they lack mental capacity. Any further clarification can be obtained from the Head of Legal Services.

- 2.3 Where the debtor is deceased, the debt is against the debtor's estate. It should be paid from the deceased's estate by his or her personal representatives. Obtaining access to the assets in a deceased person's estate can take some time, so debts owed by deceased debtors need to be taken outside the timescales in this policy. In the case of a deceased debtor, an invoice should be raised to "The Personal

Representatives of the late [name of deceased]”. If within three months of this either the debt is not paid, or an update on the progress of the administration is not received, the CS Income Team should refer the matter to the Council’s legal representative in debt matters. The legal representatives will consider whether a standing search should be raised at the Probate Registry, or whether any other action is appropriate to safeguard the Council’s position.

3. Documentation

- 3.1 All action taken under this Policy must be fully documented. Copies must be kept of all letters sent and received, and notes made of all telephone or other conversations. Notes must also be kept of all unsuccessful attempts to telephone debtors, including the date, time and telephone number called. When referring a matter to the Council’s legal representatives, copies of all documentation should be forwarded.

4. Invoices

- 4.1 All invoices raised must be promptly issued and properly supported by documentary evidence that supports the debt.

5. Debt Chasing

- 5.1 In all cases where an invoice has been raised but has not been paid, CS Income Team will chase the debt using the functionality available in Oracle Fusion and to timescales for the various dunning strategies (Appendix A). Dunning strategies are based on the debt type so timings may vary:

- 5.1.1. If the invoice has not been paid by due date, Fusion will produce a dunning (reminder) letter for the first delinquent debt, in accordance with the dunning strategy for the debt type.

- 5.1.2. If no response or payment has been received after the first dunning letter, a second dunning letter will be sent as per the timings set out in the dunning strategy according to the debt type. This letter may include further delinquent debts that have become overdue since the first letter was issued. This will advise the debtor of further enforcement action. It should also:

- 5.1.2.1. provide details of how the debt can be paid;

- 5.1.2.2. state that the debtor can contact CS Income to discuss payment options, and give contact details; and

- 5.1.2.3. inform the debtor that free independent advice and assistance can be obtained from organisations including those listed in Appendix B.

- 5.1.3. If no response is received to the second dunning letter, the dunning strategy details the subsequent follow up actions. The

CS Income Team will attempt to make contact with the debtor, normally by phone. The CS Income Team will include all delinquent debts in the follow up chasing irrespective of whether the debtor has received dunning letters. This is due to the functionality available with Fusion where debt chasing is undertaken at account level. A record of any attempts to contact the debtor and of any resulting discussions will be maintained.

- 5.2 Once all of the steps at point 5.1 above have been completed, if the debt is not cleared and no communication is received from the debtor the following actions are undertaken:
 - 5.2.1. For NON-ASC Debt, the CS Income Team should refer the matter to the Budget Manager responsible for the debt to consider the options available.
 - 5.2.2. For ASC Debt, The CS Income Team (specifically the ASC Debt Team), should refer the matter to the ADDM Team (Accruals, Deferred Payments & Debt Management Team) for them to progress.
- 5.3 Where withdrawal of services will not cause undue hardship or breach a legal duty on the Council, the Budget Manager should decide whether it is appropriate to withdraw the provision of further services, where applicable, pending payment of any debt.
- 5.4 If the debtor makes contact to explain that they cannot pay the debt, instalment payments should be considered. The CS Income Team will seek agreement to payment by instalments on a monthly basis, where the instalment is at least 20% of the total outstanding debt. If the debtor indicates that this is a problem, the CS Income Team can agree a repayment period of a maximum of 12 months. If the debtor indicates that this still causes a problem, the matter will be referred to the Budget Manager to decide whether a longer payment period is acceptable in the circumstances. The Budget manager should then inform the CS Income Team of the agreed arrangements or of further action to be taken.
- 5.5 If an agreement is reached for payment by instalment, the CS Income Team should write to the debtor within 5 working days to confirm details of the instalment arrangements and that if any payments are missed then the Council will seek immediate repayment of the balance of the outstanding debt.
- 5.6 While payment by instalment is being considered, the debt chasing process should be put on hold. Where payment by instalment has been agreed, the debt chasing process should be terminated. If payment by instalment is agreed but the arrangement subsequently breaks down, the debt chasing process should be restarted.

6. Disputed Invoices

6.1 Where an invoice is disputed, it will be put on hold as not requiring further action until the dispute has been resolved. If the dispute is raised with the CS Income Team, the invoice should be put on hold and the matter should be referred to the Budget Manager. If the dispute is raised with the team who raised the initial invoice, the Budget Manager should inform CS Income Team and ask for the debt chasing process to be put on hold.

6.2 Where an invoice is disputed the budget manager should ensure:

- 6.2.1. the reason for the dispute should be clearly identified;
- 6.2.2. every effort should be made to resolve the dispute at the earliest opportunity; and
- 6.2.3. any obstacles to partial or full payment should be explored and resolved.

The aim should be to resolve disputes within 14 days. The dispute should be resolved between the debtor and the Budget Manager. Once the dispute has been resolved, or where no resolution is possible, the Budget Manager should report the outcome to the CS Income Team. If the outcome is that the disputed point is not accepted, the invoice should be reinstated and the debt chasing process continued from the point at which it was put on hold. If the outcome is that the disputed point is accepted, a credit note should be raised in respect of the invoice, and if necessary, a new invoice issued for the remaining part of the debt.

7. Credit Notes

7.1 Credit notes will be raised by the team which raised the initial invoice and should be properly supported by documentary evidence that validates the reason for reducing or cancelling a previous amount invoiced. A credit note must be issued to cancel an incorrect invoice, before re-invoicing correctly. The appropriate Budget Manager or other suitably authorised officers must authorise all relevant paperwork or approve credit notes electronically.

7.2 A credit note must only be applied to, or reduce the balance of, the invoice it was raised against. A credit note must not be used as a method to write off debt, as it is primarily a means of adjusting the value of a debt for valid and agreed reasons e.g. the initial value of the debt raised was incorrect.

8. Returned Invoices

- 8.1 Where an invoice is returned by Royal Mail stating 'gone away', 'undelivered' or 'addressee not known', the CS Income Team should suspend any recovery action and refer the invoice to the appropriate budget manager who shall take the following steps:
- 8.1.1. Attempt should be made to contact the debtor to obtain an up-to-date address and, having amended the debtors address details in the corporate financial system, re-issue the invoice to the correct address. The CS Income Team shall be notified of such action to enable recovery action to be instigated should the debt remain outstanding.
 - 8.1.2. Where contact cannot be made with the debtor the Budget Manager shall decide on the further action to be taken, e.g. write off of the debt or referral of the debt to the Council's legal representatives to attempt to locate the debtor. The Budget Managers cost centre will bear the cost of any charges incurred in locating the debtor.
 - 8.1.3. Where withdrawal of a future service will not cause undue hardship or breach a legal duty on the Council, the Budget Manager should decide whether it is appropriate to withdraw the provision of further services pending payment of the debt.

If the debtor has not been located following this process, the matter should be considered for writing off in accordance with paragraph 12 below.

9. Interest and Debt Recovery Costs

- 9.1 Where appropriate in relation to commercial debts, the Council will exercise its statutory entitlement to interest and compensation for debt recovery costs under the Late Payment of Commercial Debts Regulations 2002, if payment does not meet the agreed Terms and Conditions.

10. Recovery Action

- 10.1 When a debt has been referred to the Budget Manager under paragraph 5.2 above, the Budget Manager should provide any further information which may assist with recovering the debt. If no such further information is available for debts in excess of £250 the budget manager will, after having regard to the value of the debt, decide whether legal action should be pursued or recommend that the debt should be written off. The budget manager will be responsible for funding any legal costs/fees that result from any legal action taken which cannot be successfully recovered from the debtor.
- 10.2 If the legal representative returns the debt as unable to be collected, the CS Income Team should refer the matter back to the relevant Budget Manager for consideration of write off of the debt.

- 10.3 Where recovery is completed by the legal representative, CS Income Team should update the records to reflect this.
- 10.4 Where a case has been passed to the Council's legal representatives for collection and a payment is received directly from the debtor, CS Income Team should ensure that the legal representative is notified and update the records accordingly. Where this payment partially settles the debt, CS Income Team should refer the matter to the relevant Budget Manager to consider whether to continue with enforcement action. Where this payment settles the debt in full, CS Income Team should inform the relevant Budget Manager.

11. Bad Debt Provision

- 11.1 The Head of Finance (S151 Officer) must ensure there is adequate provision for Bad Debts, in accordance with CIPFA Code of Practice on Local Authority Accounting in United Kingdom – A Statement of Recommended Practice.

12. Writing Debts Off

- 12.1 Where the value of a debt is not more than £250 and either
- 12.1.1. the debtor has absconded and cannot be traced;
 - 12.1.2. the debtor is bankrupt
 - 12.1.3. the debtor is in prison
 - 12.1.4. the debtor is deceased, and the full value of the debt cannot be recovered from the estate of the deceased;
 - 12.1.5. the debtor is a company, and is in liquidation;
 - 12.1.6. on the advice of the Council's legal representative or Counsel the debt is irrecoverable;
 - 12.1.7. the cost of further debt recovery action is deemed not to be cost effective;
- the CS Income Team may take action to write off the debt, provided they are satisfied that the procedures in this Policy have been followed. The Budget Manager will be notified of such action being taken.
- 12.2 Where the procedures in this Policy have been followed and either:
- 12.2.1. the value of a debt is more than £250 but not more than £10,000;
 - 12.2.2. the debtor has absconded and cannot be traced;
 - 12.2.3. the debtor is bankrupt
 - 12.2.4. the debtor is in prison
 - 12.2.5. the debtor is deceased, and the full value of the debt cannot be recovered from the estate of the deceased;
 - 12.2.6. the debtor is a company, and is in liquidation; or
 - 12.2.7. on the advice of the Council's legal representative or Counsel the debt is irrecoverable;
- the CS Income Team may, on receiving a recommendation from the Budget Manager, write off the debt.

- 12.3 Where a debt falls within section 12.2 above and no instructions have been received from the Budget Manager, the CS Income Team will notify the Budget Manager and request a recommendation for write off or new information or instructions which will enable debt recovery action to be resumed. Where no such recommendation, information or instructions are received within 21 days of the request being made, the debt will be written off, and the Budget Manager will be notified.
- 12.4 Where a debt does not fall within section 12.2 above, and the Budget Manager recommends to the CS Income Team that the debt be written off, the CS Income Team will refer the matter to the Head of Finance (S151 Officer). The Head of Finance (S151 Officer) will, in consultation with the appropriate Director, report the debt to Cabinet to obtain approval for write off.
- 12.5 Where a debt does not fall within section 12.2 above and no instructions have been received from the Budget Manager the CS Income Team will notify the Budget Manager and request a recommendation for write off or new information or instructions which will enable debt recovery action to be resumed. Where no such recommendation, information or instructions are received within 21 days of the request being made, the CS Income Team will refer the matter to the Head of Finance (S151 Officer). The Head of Finance (S151 Officer) will, in consultation with the appropriate Director, report the debt to Cabinet to obtain approval for write off. Recommendations will be made by CS Income Team on a quarterly basis.
- 12.6 Where a debt is written off, the CS Income Team will carry out the appropriate action in the Council's corporate financial system to charge back any write off values to the General Ledger code which the debt was originally credited to unless otherwise agreed with the Head of Finance (S151 Officer).
- 12.7 A record of all sums written off will be maintained by the CS Income Team, on behalf of the Head of Finance (S151 Officer), along with supporting documentation.
- 12.8 The debtor remains liable to pay even after a debt has been written off. Therefore, if the debt has been written off and a further instalment is received, CS Income Team should reinstate the debt if any part of it remains unpaid. The debt should then be referred to the relevant Director for consideration of further enforcement action of the remainder.

13. Refunds

- 13.1 Occasionally, and for a variety of reasons, a customer will overpay a debt, or they may be issued with credit note when their charges have been amended. Any overpayments/refunds will be refunded to the customer, unless it is deemed not cost effective to action. CS Income

Team are authorised to use their discretion on the amount, but as a guide any amount under the sum of £5.00 would not normally be refunded.

APPENDIX A

Dunning Strategies

[Dunning Strategy with Deceased REVISED JUN25.xlsx](#)

APPENDIX B

Organisation	Telephone Number/website
National Debtline	FREEPHONE 0808 808 4000 www.nationaldebtline.org
Step Change Debt Charity	FREEPHONE 0800 138 1111 www.stepchange.org
Citizens Advice	www.citizensadvice.org.uk
Civil Legal Advice	0345 345 4 345 www.gov.uk/civil-legal-advice

Policy for the use of Social Media in case work for Children and Adult Services

Operational from: 29/01/2020

Version Number: 1.2

Agreed by: CYPS Policies and Procedures Group/Children and Young People's Service (CYPS) & Adult and Community Services (ACS)

Responsible Service Area/Team: Children and Young People's Service (CYPS), Adult and Community Services (ACS), Practice Development and Quality Assurance Team

Equality Impact Assessment: N/A

Review date: 1 August 2023

Document Summary

The following policy sets out Suffolk CYPS and ACS' approach to the use of social media by employees for gaining information about their individuals and communicating with them.

It also describes the procedures for using WhatsApp to communicate with individuals.

Review Date:

Version Control	Reason for revision and summary of changes needed	Date
1.2	Addition of WhatsApp	

We will on request produce this policy, or particular parts of it, into other languages and formats, in order that everyone can use and comment upon its content

Contents

1. Introduction	3
2. Human Rights Act 1998	4
3. Data Protection Act 2019	5
4. Key general points for staff	5
5. Terminology used	6
6. Use of WhatsApp.....	6
7. Use of social media in ACS and CYPS Social Care case work	7
8. Visiting/ viewing third party accounts or groups, where these are public	8
9. Initiating contact via Social Media sites.....	9
Criteria:	9
Conditions:.....	9
10. Using social media with the individual/ parent to explore support networks.....	10
Criteria:	10
11. Following pages of professional associations or useful resources.....	11
Appendix 1 Management Decision	12
Appendix 2 Case Note	13

1. Introduction

- 1.1 This Policy sets out Suffolk County Council's (SCC) approach to the use of social media by employees, for gaining information about those they work with and communicating with them. This guidance applies both to Children and Young People's Services (CYPS) & Adult and Community Services (ACS) employees. These principles apply to all social media channels and their messaging facilities (e.g. Facebook, Instagram, Twitter or LinkedIn). The objective of this guidance is to ensure employees use social media effectively and in compliance with the Council's obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 (DPA) and the Human Rights Act 1998.
- 1.2 The growing use of social media means that employees need to reflect on the changing nature of communication and how this impacts on practice issues at the heart of social work, particularly the collection and use of information about and by individuals and how to maintain the service users right to a relationship of mutual trust, privacy and confidentiality (BASW, Social Media Policy 2018)
- 1.3 This Policy should be read in conjunction with Suffolk County Council [IT Security and Information Management Policy Documents](#)

2. Human Rights Act 1998 - Considerations

- 2.1 Employees should be transparent about the purpose of accessing the social media accounts of individuals they work with; and the potential using the information obtained via these accounts as evidence in legal proceedings. Inappropriate use of information gathered from social media could constitute a breach of the individuals Article 8 rights of the Human Rights Act 1998.
- 2.2 Article 8 of the Human Rights Act 1998 protects an individuals' right to respect for their private life, family life, their home and correspondence including social media communications.
- 2.3 There are limited situations when public authorities can interfere with this right though this is only in circumstances where the authority can evidence that this action is **LAWFUL, NECESSARY AND PROPORTIONATE** in order to:
- a) *protect national security;*
 - b) *protect public safety;*
 - c) *protect the economy;*
 - d) *protect health or morals;*
 - e) *prevent disorder or crime, or*
 - f) *protect the rights and freedoms of other people.*
- 2.4 In order to evidence that employees accessing of individuals social media is lawful, necessary and proportionate the employee must record in the case management system the following information:
- what social media accounts have been accessed and the relevant dates;
 - their reasoning for accessing the information taking into account lawfulness, necessity and proportionality;
 - how they intend to use the information.
- 2.5 Employees should seek legal advice from SCC's legal department at the earliest possible opportunity if they intend to use information gathered from social media as evidence in legal proceedings. Any legal advice obtained should be recorded in the appropriate section of the case management system. Legal advice is privileged and should not be disclosed to anyone outside of SCC.
- 2.6 Using information gathered from social media as evidence in legal proceedings for any purpose other than those listed above, without a proper legal basis and without recorded evidence that the use of this information is lawful, appropriate and necessary could constitute a breach of the individuals Article 8 rights. This could lead to a claim for damages being brought against the Council as well as reputational damage to the Council.

3. Data Protection Act 2019

3.1 Employees should also be aware of how individuals' personal data is used by the Council. Any information obtained from social media must ensure the information is used in line with the data protection principles in the Data Protection Act 2018 in that it must be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

3.2 Employees operating outside of this policy may face disciplinary action.

4. Key general points for staff

4.1 No employee may use their own personal email or social media accounts for work purposes at any time. It is strongly recommended that employees regularly review the privacy settings on their own personal account to protect their privacy.

4.2 If an employee uses a false name and profile picture to gain access to an individuals protected (non-public) social media information by becoming a 'friend', the employee will be committing a breach of that person's right to privacy. Consequently, the employee may be in breach of their professional standards which will be investigated under the Council's disciplinary procedures. Inappropriate access may also lead to a potential data breach, which will be investigated in line with SCC's Security Incident Management Policy

4.3 Therefore, a team social media account should be created and used. The account information must make it clear which SCC Service it belongs to and provide contact details that enable members of the public to contact the team by these means (e.g. Service name, telephone number, address, email).

5. Terminology used

- 5.1 *an individual* – this could be a child, young person, adult, carer or family member who is receiving an intervention from ACS and/or CYP.
- 5.2 *LADO (Local Authority Designated Officers)* – Working Together to Safeguard Children refers to local authorities having a designated officer, or a team of designated officers involved in the management and oversight of allegations against people that work with children- this job title is **Local Authority Designated Officers**.
- 5.3 *PoT (Position of Trust)* - The Care Act statutory guidance (March 2016, 14.120 to 14.132), sets out the responsibilities of the Safeguarding Adults Board, its partners, and those providing universal care and support services, when managing allegations in relation to ‘people in **Positions of Trust**’ who may pose a risk to adults with care and support needs.

6. Use of WhatsApp

- 6.1 WhatsApp is a messaging application (or app) which allows information to be sent via text and voice messages, make voice and video calls and share images/ documents.
- 6.2 Where it has been agreed by an individual that using WhatsApp is their preferred method of communication, this can be used on work mobile phones only.
- 6.3 WhatsApp is an informal method of communication, all messages must remain professional and written and verbal communication must be conducted within appropriate professional boundaries.

If images/documents are sent to us by individuals, these should be uploaded to SharePoint if appropriate and then deleted from the work mobile phone.

- 6.4 It is not permitted for employees to send any documentation using WhatsApp which is classed as Sensitive and Special Category data (i.e., documentation that shows details of cases, names, addresses, health or finance etc).
- 6.4 Any content of a WhatsApp dialogue needs to be recorded within case notes.

7. Use of social media in ACS and CYPS Social Care case work

- 7.1 Accessing social media pages can help employees gain information (which is not available elsewhere) to safeguard the individuals we work with and support their families/ carers. At times the information accessed from an individual's social media page can help to start conversations about their or their child's well-being and bring family members together to support the individual.
- 7.2 Information accessed from social media pages must not be used to replace employee discussions and assessment with individuals/parents and other professionals which, as part of social care provision, will provide the information necessary to make decisions about those we are working with. Information posted on social media should be treated with caution. Through social media people create an image which they wish to project to a public audience. Such imagery may not be a reality as the person knows it or as they would describe to a SCC employee. At best it can be an idealised version of events. At worst the account could be fake, created by someone other than the person it says it belongs to.
- 7.3 A Practice Manager (CYPS) or Line Manager (ACS) must authorise the creation of team social media accounts. The account information must make it clear which SCC Service it belongs to and provide contact details that enable members of the public to contact the team by these means (e.g. Service name, telephone number, address, email).
- 57.4 Practice managers (CYPS) or Line Manager (ACS) will be ultimately responsible for ensuring that these accounts are used in accordance with the corporate policy and this policy and are not used in any other way. The manager must maintain an active list of the account details, password and which employee are authorised to use the account. The passwords associated with those account must be changed regularly and **whenever** anyone leaves the service.
- 7.5 Under no circumstances is it permissible for 'friend' requests from any individual SCC are/ have been working with to be accepted via the team. Any such requests must be recorded and brought to the attention of the authorising Practice Manager.
- 7.6 Using the team account, employees can access social media sites for the following purposes (a-d below). Each purpose has a detailed criterion, from page 8 onwards, and it is important to ensure your reasons for access meet these.
- a) Visiting/viewing third party accounts or groups, where these are public and this has been authorised by a line manager.
 - b) Initiating contact via Facebook messenger or similar social media sites - where no other means of contacting an individual or family member exist, and it is in the individual, carer parent's best interest.
 - c) Using social media with the individual, parent or carer to explore support networks
 - d) Following professional development pages or other resources.

8. Visiting/ viewing third party accounts or groups, where these are public

8.1 Employees may access the social media account of an individual connected person without their knowledge to gain information in the following situations:

- i) Safeguarding:
CYPS: for the purposes of progressing a section 47 *or* LADO enquiry or where section 47 *or* LADO threshold might be met;
ACS: for the purposes of progressing a section 42 enquiry or Position of Trust (PoT) enquiry or where section 42 enquiry or PoT threshold might be met;
- ii) Safeguarding – where a potential risk has been identified and information may protect someone other than the individual (e.g. an employee or a carer);
- iii) CYPS: During care proceedings, where evidence is being sought to determine the child’s long-term future including where the ability of a parent to offer safe care is being assessed;
ACS: During court proceedings, where evidence is being sought to determine the individual’s long-term future

8.2 The Practice Manager (CYPS) or Line Manager (ACS) must authorise a social media trawl and record the reasons for this and the extent of the trawl authorised (which individuals’ accounts and the timescale of the search). The authorisation and reasons should be recorded in the individual’s case notes and referenced on the record of any other individual(s) affected, so that the reasoning is available should the decision and any social media searches contributing to the individuals’ information be challenged by the individuals themselves or other third parties. Ensure any legal advice considered / received at this point is also documented. (See Appendix 1)

8.3 The Practice Manager’s (CYPS) or Line Manager (ACS) authorisation must state the commencement and end dates during which the employee will be allowed to view an individual’s social media profile. If more than one individual’s profiles are to be viewed, then the authorising Practice Manager must provide authorisation for each individual together with commencement and end dates. The purpose(s) for which the information is being viewed must be clearly stated and agreed by the authorising Manager.

8.4 Once the individual’s account is accessed the following must be recorded by the employee carrying out the search (See Appendix 2):

- i) The purpose for accessing the account and if information is found in relation to that purpose, what it is and why it is relevant (e.g. the purpose of accessing X account is to find out if X - alleged perpetrator of violence - continues to visit the home of Y, the child/ individual’s mother thereby putting the child/ individual at risk).

- ii) What (if any) information was gained from the account, where was it found and how reliable is it? (e.g. has the mother just posted a statement about the relationship or did you see a photo of the couple in the home, taken on a date when the relationship was meant to have ended and 'liked' by the alleged perpetrator)?
- iii) What are the next steps, given the information gained? When will the person whose information was viewed be informed of this? How will the information be verified and used? Employees and their managers should seek legal advice at this stage if the information is likely to be used in any legal proceedings. Detail any legal advice considered / received at this point.
 e.g. CYPs: when will you discuss the information with the mother, will it influence your CP report, will it be placed before the court, what are the potential implications for the child
 e.g. ACS: when working with the individual when will you discuss the information that has been found, will it change the safety plans in place, will it be used as part of court proceedings, what are the implications of this for those involved. (See Appendix 2)

9. Initiating contact via Social Media sites

- 9.1 Where no other means of contacting an individual are known to the employee, and it is in the individual's or parent's best interest, it may be acceptable to use the social media messaging facility to initiate contact via the team's social media account, as a last resort. Any communications must be on a one to one basis rather than involving messages to a group. It is never acceptable to 'post on someone's timeline' (Facebook) to attract their attention [or undertake similar openly viewable activity on other social media channel].
- 9.2 Reasons for initiating contact via a social media site must meet at least one of the following criteria and conditions:

Criteria:

- i) Contact is for the purpose of safeguarding an individual or another person (e.g. a person is missing, and they do not answer their mobile)
- ii) Contact is in the long-term interest of an individual/ child (e.g. the team needs to contact an estranged parent where a child's care arrangements are breaking down and the absent parent's family may be able to care for the child)
- iii) Contact is in the best interest of the individual (e.g. care/ court proceedings are in progress and a parent with parental responsibilities is unaware of this)

Conditions:

- iv) In all cases, the approach must be approved by the Manager. The reasons for contact, as well as other methods tried must be made clear in the reasoning offered by the manager and recorded on the individual's record.

Where the approach involves accessing the account of another person to identify the person to be contacted, this must be made clear and recorded on the record of this party as well. (See Appendix 1).

- v) No personal information must ever be shared on social media by the employee about the individual they are working with or their network – communications must be limited to a request for a conversation by other means (with the employee sharing their work telephone number or email).
- vi) Once contact has been established, the identity of the person must be verified – for example by asking them what they know about the individual/ child / family or by checking an identity document or arranging for a family member known to the employee to verify this.
- vii) Once a conversation is established, it is important to let the person know when the team account is monitored for messages and to provide them with alternative means of contacting the employee / team.
- viii) Any communications between individual's and employees must be recorded on the individuals/ child's record.

9.3 SCC employees need to be prepared to address the following likely challenges arising out of this type of contact:

- i) The need to ascertain the true identity of the person contacted.
- ii) The need where possible to move conversations between the employee and individual into more traditional channels (phone, face to face meetings) before confidential information is written onto the social media site by the person contacted. Where the individual is reluctant to engage via phone or face to face, the employee may stress the importance of getting in touch without disclosing identifying details into the social media site.

10. Using social media with the individual/ parent to explore support networks

Criteria:

- i) When exploring a family's support networks with the family, the list of 'friends' on an individual's network page might constitute a useful tool in conversations.
- ii) The employee could be looking at their list of 'friends' with the individual or asking them to look and select people who might be supportive. Contact with the person would be initiated by the individual.
- iii) This must be recorded either in the individual's/child's notes or as part of the plan.

11. Following pages of professional associations or useful resources

11.1 Team accounts can be used by employees to follow pages that are relevant to the work they do, such as local or national resources or organisations. This should not involve the processing of personal data. For the avoidance of doubt, it is not acceptable to share personal data about individuals on professional or useful resources social media accounts.

Practice advice point: should you be offered information by a 3rd party (ie family member, partner, friend of the individual etc) about information that is held on a private account then ensure that you document why the person feels it is important for us to know, then discuss with your line manager and seek further advice if required.

Appendix 1 Management Decision

Manager's decision format (this is not meant as a standalone form; the headings can be copied into a case note on the person's record and any that of connected children / adults)

Part 1 - Contact	
Type of Contact	Management Decision
Reason for Contact:	Social Media trawl
Detailed Notes:	<p>Whose accounts are to be accessed (person names and relationship to individual team is involved with)</p> <p>...</p> <p>The purpose(s) for which the information is being viewed</p> <p>..</p> <p>Which employee is authorised to view the account(s)</p> <p>..</p> <p>Dates between which the employee can view the account(s)</p> <p>..</p> <p>When this authorisation will be reviewed</p> <p>..</p>

Part 1 - Contact	
Type of Contact	Management Decision
Reason for Contact:	Social Media contact
Detailed Notes:	<p>Who needs to be contacted (person name and relationship to individual team is involved with)</p> <p>...</p> <p>What else has been tried?</p> <p>...</p> <p>Why does social media have to be used?</p> <p>..</p> <p>How do we know that the correct social media account is being approached?</p> <p>....</p> <p>Which employee will contact the person(s)?</p> <p>..</p> <p>When will this authorisation be reviewed?</p> <p>..</p>

Appendix 2 Case Note

Employee’s recording format (this is not meant as a standalone form; the headings can be copied into a case note on the child’s record and any that of connected adults)

Part 1 - Contact	
Type of Contact	Case note
Reason for Contact:	Social Media information
Detailed Notes:	Whose accounts was accessed (person names and relationship to individual team is involved with) ... The purpose(s) for which the information was viewed ..
Analysis of information	What (if any) information was gained from the account and where was it found?
Action	How reliable do we consider this information to be? When will we discuss the information gained with the individual, parent or carer? How will the information be verified? Any next steps

OFFICIAL



SCC Social Media Policy (Personal Use)

Document Owner: Jeanette Bray

Version: Issue 1.0

Date: 29/11/2024

Copyright Suffolk County Council 2024

OFFICIAL

Contents

1	INTRODUCTION AND SCOPE	3
1.1	INTRODUCTION.....	3
1.2	SCOPE	3
2	DEFINITIONS	4
3	OBJECTIVES	4
4	GENERAL PRINCIPLES	5
4.1	GUIDELINES FOR RESPONSIBLE USE OF SOCIAL MEDIA	6
4.2	EXAMPLES OF INAPPROPRIATE BEHAVIOUR	6
4.3	THINGS TO CONSIDER WHEN MANAGING INAPPROPRIATE SOCIAL MEDIA INTERACTIONS ..	7
4.4	BREACHES TO THIS POLICY	7
5	DOCUMENT CONTROL.....	9

1 INTRODUCTION AND SCOPE

1.1 INTRODUCTION

Suffolk County Council (SCC) recognises that employees may wish to engage in electronic communication and internet usage during non-work time for purposes of personal interaction, recreation, and self-expression by using social media.

'Social media' is a collective term for websites and applications that focus on communication, interaction, content-sharing, influencing, and collaborations between its users. These sites can include, but are not limited to internet postings, blogs, Facebook, Instagram, WhatsApp, LinkedIn, TikTok, YouTube, Threads, and X (formerly known as Twitter). The same principles detailed in this policy apply to printed and traditional media.

This policy outlines situations where employees must ensure that their behaviour when using the internet or social media is appropriate, to protect SCC and themselves against security risks or reputational damage.

Special consideration should be taken by those categorised as having a role that is politically restricted or sensitive, and whether their representations via social media sites (whether that be personal views or shared content from other posts) is likely to be in conflict with the political environment in which they work and represent. Employees are required to be familiar with the SCC Code of Conduct, particularly around Political Neutrality and the WE ASPIRE values.

Staff using social media for personal or domestic purposes are reminded that they should not post inappropriate comments or material which may bring SCC into disrepute or have the potential to do so, whether or not they make reference to being an employee or worker of SCC. Examples of inappropriate interactions and potential points to consider are listed in Section 4.

Failure to adhere to this policy could lead to formal action being taken under SCC's Disciplinary process.

1.2 SCOPE

This policy applies to all employees, workers, and volunteers, regardless of grade or role, whether that is in the capacity of a permanent contract, fixed-term contract, temporary contract, consultant contract, apprenticeship, or intern position.

This policy is not contractual. SCC may vary or amend this policy at its discretion and may apply it as far as practicable in the circumstances.

This policy should be used in conjunction with:

- the '[Staff Acceptable Use of Information Systems Policy](#)'
- the '[Communications Team 'Social Media Policy](#)'

- the '[Unreasonable Behaviour Policy](#)'
- the '[SCC Employee Code of Conduct](#)' (note, this is at the bottom of the page link)
- the '[WeASPIRE values framework](#)'
- the '[Volunteering Policy](#)'
- any other social media guidance or policies held locally by the employee's directorate.

SCC will not monitor individual's social media interactions but will have a responsibility to investigate should an allegation or complaint be made by a member of staff / customer / contractor / member of the public, as appropriate.

2 DEFINITIONS

Responsibilities

Line Managers are responsible for:

- Ensuring they have full understanding of this policy and bringing it to the attention of staff in their service area.
- Ensuring staff are aware of their responsibilities regarding this policy and are aware of the consequences of not adhering to it.
- Actively addressing and resolving any misuse of social media.

Employees are responsible for:

- Ensuring they have read, understand, and comply with this policy.
- Adhering to the principles of this policy.
- Reporting any incidents of misuse of social media that they are aware of to their line manager promptly.
- Ensuring they do not use their work email address when registering for any website or social media platform.

3 OBJECTIVES

The intent of this policy, and Suffolk County Council (SCC) is not to infringe on employees' personal lives or unnecessarily regulate employees conduct when not at work. Nevertheless, there are situations when the personal use of social media can have a harmful security or reputational impact on the organisation.

OFFICIAL

Corporate Services Controlled Documentation Scheme

There is a clear professional and reputational risk if organisational information, both in writing and / or photographs, are used inappropriately or without due consideration of the risks involved. The risks associated with any confidential information being disclosed, or anything which easily identifies SCC's working environment could lead to various outcomes:

- The employee is in breach of confidentiality; the individual could be committing a criminal offence under the General Data Protection Regulations (GDPR).
- The employee may be in breach of Equality and Discrimination laws (*Worker Protection Act 2023 (Amendment of Equality Act 2010)*).
- The employee may bring the organisation's name into disrepute, or the material may have the potential to do so.

Whether or not an employee makes reference to being an employee or worker of SCC, or in the circumstance that an employee identifies themselves in a public forum as being associated with 'Suffolk County Council', the employee's online behaviour will be seen as a reflection of the organisation, even if the postings are not directly related to their employment. Should that behaviour be deemed inappropriate, then SCC's Disciplinary Process may be followed.

4 GENERAL PRINCIPLES

The following principles apply to all personal use of social media sites, and the same principles apply to traditional or printed media. Employees must follow all applicable policies regarding conduct; these apply equally to online and social media activities as they do to in-person behaviour.

Staff should also be considerate of the professional expectations held within SCC Code of Conduct and the WE ASPIRE framework behaviours and values.

Whilst staff are able to have political opinion and freedom of speech in and outside of work, they should be mindful of their professional responsibility and the Public Sector Principles that apply to Public Sector workers on social media while in SCC's employment and acknowledge the requirements of professional behaviours and the Worker Protection Act 2023 (Amendment of Equality Act 2010).

Staff must not knowingly establish or seek to establish social contact with any individuals who access our services or individuals that have the potential to bring the organisation into disrepute. If an individual seeks to establish social contact, staff should exercise their professional judgement in making a response and be aware that such social contact could be misconstrued. Staff should also inform their line manager or Head of

OFFICIAL

Corporate Services Controlled Documentation Scheme

Service immediately should they find themselves in this position.

When using social media for personal use, employees are not authorised spokespersons of Suffolk County Council (SCC).

4.1 Guidelines for responsible use of social media

Staff should be aware that if they disclose their affiliation with SCC on their profile or in any social media or website postings, they increase their risk for their content to be associated with SCC, including anything that may be deemed to be inappropriate. It is therefore encouraged that staff be vigilant about their posts and any potential association to SCC.

Staff must not use social media to defame or disparage SCC and its staff; to harass, bully or unlawfully discriminate against staff; to make false or misleading statements about SCC; to impersonate colleagues; to cause reputational damage by engaging in any illegal activity.

Consideration should be taken as to when it is appropriate to use SCC affiliated logos or other trademarks when posting online or on personal profiles without authorisation from their manager.

As a general principle, staff should be considerate engaging in comment threads pertaining to SCC on social media unless in the aim to promote job vacancies, activities, or the organisation's reputation. If a staff member is in any doubt about responding on behalf of the organisation, they should liaise with the Communications Team.

4.2 Examples of inappropriate behaviour

Example of inappropriate behaviour on social media that could constitute misconduct	Example of inappropriate behaviour on social media that could constitute gross misconduct
Sharing, posting, or engaging with content that makes disparaging comments about Suffolk County Council as an employer (this could also constitute gross misconduct depending on the detail).	Sharing, posting, or engaging with content that is deemed discriminatory (for example, engaging with or posting content that infers racial assumptions or defamation).
Sharing, posting, or engaging with content that is deemed abusive or defamatory towards those without a protected characteristic.	Sharing, posting, or engaging with content that shares personal information about a member of the public, colleague or customer.

OFFICIAL

Sharing, posting, or engaging with content that has not been authorised to be shared by SCC or the business.	Sharing, posting, or engaging with content that could constitute harassment towards members of the public, colleagues, or customers.
--	--

The above list is a set of examples only to show how inappropriate social media engagement can be managed under the disciplinary process (if required) - this list is not exhaustive, prescriptive, or exclusive.

4.3 Things to consider when managing inappropriate social media interactions

Managers will need to consider whether there is any professional or reputational impact through the employee’s social media interactions, posts, or engagement, and from this identify what action, if any, should be taken. For example, sometimes associated risks could be managed through an informal conversation that sets clear boundaries and expectations; Sometimes a disciplinary investigation may be required to confirm the facts and any concerns managed more formally.

Managers should also take into account any mitigating circumstances or factors as they would for any other disciplinary process, to ensure that any action taken is proportionate and reasonable – for example, a person who is transitioning and receiving hormone treatment may respond ‘inappropriately’ on social media if they see others sharing transphobic content, but the appropriate managerial response may be an informal resolution that is support-focused for the employee and helps them report their concerns, rather than punitive action.

4.4 Breaches to this Policy

Behaviour whilst using social media that is inappropriate, harmful to SCC, or acts of harassment or intimidation can constitute misconduct / gross misconduct and may lead to the implementation of SCC’s [Disciplinary Process](#).

Managers who become aware that an employee has acted in breach of SCC Policies and Processes have a duty to investigate the matter promptly, thoroughly, and to take corrective and / or disciplinary action.

Equally, if an employee complains (whether informally or through the SCC [Grievance Process](#)) about a colleague's conduct in respect of this policy, the manager should take prompt action to resolve the matter.

OFFICIAL

Corporate Services Controlled Documentation Scheme

Staff may be required to remove any social media content that constitutes a breach of this policy. Failure to comply with such a request may result in disciplinary action. If you have any questions in relation to this policy, please contact HR.

Once printed, this is an uncontrolled document

OFFICIAL

OFFICIAL

5 DOCUMENT CONTROL

Changes History

Issue No	Date	Amended By	Summary of Changes
1.0	29/11/2024	Kate Fellman	Policy created

Authorisation (Responsible Owner)

Role	Name	Approval Date
Head of HR, Performance & Change	Jeanette Bray	25/11/2024

Approval (Accountable Owner)

Role	Name	Approval Date
Trade Unions	Sent by Kate Fellman	06/11/2024 (after feedback at 06/11/2024 Corporate Change Forum)

Reviewers (Consulted)

Role & Review Responsibilities	Name	Approval Date
HR Lead Team	Sent by Kate Fellman	29/07/2024
Staff Partnership Board TU reps	Sent by Kate Fellman	15/10/2024
Equality Impact Assessment Review Group	Sent by Kate Fellman	Signed off at EIARG on 11/11/2024 and published on 29/11/2024
HR Wider Team, Legal and Finance	Sent by Kate Fellman	29/07/2024

Distribution List - Once authorised (Informed)

Name	Organisation
1.0 To be published on My Help (formerly askHR), HR Need to Know, to be mentioned in Inside SCC and manager webinar.	Suffolk County Council

Review Period

Date Policy to be Reviewed	By whom
29/11/2026	SCC HR

OFFICIAL



Disciplinary Toolkit

Last updated: 15th March 2024

Contents

Introduction 3

 Should I manage the case informally or formally? 3

 Right to be Accompanied 5

Informal Disciplinary 6

 Informal Disciplinary Action List 7

Formal Disciplinary 7

 Formal Disciplinary – Investigations 8

 Formal Disciplinary – Hearings 9

 Formal Disciplinary – Potential Outcomes 9

Formal Disciplinary Actions 10

 What if there are safeguarding concerns? 10

 Registrations 11

 Criminal Allegations 12

Suspension 12

Appeals 13

Welfare 13

Informal Disciplinary Process – Step-By-Step Picture 13

Formal Disciplinary Process – Step-By-Step Picture 15

Commissioning Manager ‘To-Do List’ 16

Investigating Officer ‘To-Do List’ 18

 Tips for writing the report: 18

 Redaction 18

 Submitting the report 19

Hearing Chair ‘To-Do List’ 21

Appeal 23

 Appeal Chair ‘To-Do List’ 23

Useful Contact Information 25

Introduction

Before using this Disciplinary Toolkit, please refer to the SCC Disciplinary Policy.

Many disciplinary issues can be dealt with informally and promptly. However, where this is not possible or appropriate the formal process will apply.

- All invite letters referred to in this Toolkit are to be issued **at least** 5 working days prior to the scheduled meeting, and all outcome letters are to be issued within 5-working days of when a meeting was held.
- A template for the 'Terms of Reference', 'Disciplinary Action List' and 'Investigation Report' can be found on 'My Help' (formerly, askHR) on the same question as the Disciplinary Policy and Disciplinary Toolkit.
- Two pictures setting out the disciplinary process can be found further down in this toolkit (please refer to the contents page).
- Checklists for each role within the process are also available near the bottom of this toolkit (please refer to the contents page).

Should I manage the case informally or formally?

The first step is to consider whether the allegation falls under misconduct or gross misconduct.

Misconduct is a minor breach of policy, rules, or standards. Gross misconduct is an act of misconduct so serious that it may warrant summary dismissal without notice, for a first offence.

Where appropriate, minor cases of misconduct can be managed informally, and this can be the most proactive way of resolving a conduct issue.

A conversation between the manager and employee should take place without undue delay and where needed, an informal 'Disciplinary Action List' can be implemented (this template can be found on 'My Help' (formerly, askHR) with the other disciplinary documents).

Misconduct some reasons which may lead disciplinary action (but are not limited to):	Gross Misconduct some reasons which may lead to dismissal with or without notice (but are not limited to):
<ul style="list-style-type: none">• Harassment, bullying or discrimination• Misuse of the Internet or email, or misuse of copyright material	<ul style="list-style-type: none">• Serious cases of harassment, bullying, or discrimination• Serious misuse of the Internet or email

OFFICIAL

<ul style="list-style-type: none">• Failure to take care of own and others health and safety• Failure to follow a reasonable instruction from a supervisor or manager• Professional or similar negligence• Damage to organisation's property or use of property for purposes unrelated to the job• Failing to comply with GDPR legislation, the Freedom of Information Act, or the County Council's information management policies and procedures (e.g. accessing data without business need, or disclosing information to an unauthorised third party)• Failure to adhere to County Council policies and practices i.e. procurement regulations, safeguarding policy• General misconduct (e.g. rudeness, abusive language and aggressive behaviour)• Wilful or deliberate failure in performance to a reasonable and acceptable standard• Persistent lateness, absenteeism or unauthorised absence• Use of paid working time or County Council resources for purposes unrelated to the job• Malicious or vexatious claims under other policies such as Harassment & Bullying, Grievance, etc	<ul style="list-style-type: none">• A deliberate or serious breach of health and safety at work policies• Serious failure to follow a reasonable instruction from a supervisor or manager or gross insubordination• Serious or gross negligence• Deliberate or serious damage to or misuse of the organisation's property• Serious breach of GDPR legislation, the Freedom of Information Act, or the County Council's information management policies and procedures (e.g. accessing data without business need, or disclosing information to an unauthorised third party)• Serious breach of the County Council's policies and practices, i.e. procurement regulations, safeguarding policy• Threatening behaviour, intimidation or violence• Failure to disclose relevant information in applications for employment e.g. pre-existing criminal proceedings)• Theft, fraud or other offences of dishonesty• Serious or persistent use of paid working time or County Council resources for purposes unrelated to the job• Falsification of qualifications, timesheets, work records and expense claims or other similar documents
--	--

OFFICIAL

<ul style="list-style-type: none">• Offences involving alcohol or illegal drugs• Behaviour which leads, or could reasonably lead, to the employee being referred to a professional body of which they are a member	<ul style="list-style-type: none">• Behaviour outside of employment of a criminal or serious nature leading to a breakdown of trust and confidence• Abuse of vulnerable adult or child• Conduct that brings the organisation's name into disrepute or has the potential to do so.• Serious offences involving alcohol or illegal drugs• Failure to disclose interest in Council contracts• Behaviour which leads, or could reasonably lead, to the employee being deregistered or restricted by a professional body of which they are a member
---	---

Further examples of misconduct and gross misconduct can be found on the ACAS website to help determine whether the case should be managed informally or formally. If you are unsure, please contact HR and request a conversation with an HR Advisor.

Right to be Accompanied

It is recognised that being involved in a disciplinary process can be a stressful time and support can be found in the 'Welfare' section further down in this toolkit.

When a manager has received information of suspected misconduct that is unable to be managed informally, or an allegation of suspected gross misconduct the matter must be investigated.

The employee must cooperate fully with the investigation process and provide relevant witness names and relevant documentation. They must also attend investigation interviews.

OFFICIAL

If it is decided that there is a case to answer and the matter proceeds to a Hearing, the employee must attend the Hearing.

An employee may bring a companion to an Investigation Interview meeting, Outcome Hearing, or Appeal Hearing. The companion must either be a trade union representative or a work colleague only – legal support (i.e. a solicitor, is not allowed).

Further information on this is detailed in the Disciplinary Policy (available on 'My Help' (formerly, askHR)).

Informal Disciplinary

If a case can be managed informally, the following steps should be followed:

- Prior to having a conversation with the employee, the manager must list:
 - Any concerns they may have.
 - Any mitigations that are being considered.
 - Consider whether there may be something impacting the situation or employee, such as health conditions. Where necessary, an Occupational Health referral can be made to determine if there is anything that can be done to support the employee, whilst managing the concerns that have been raised.
 - Any actions that are being or can be implemented to prevent an incident happening again (recorded on the Disciplinary Action List).
- Even if a case is likely to be managed informally, discuss the case with an HR Advisor to determine whether informal disciplinary is an appropriate decision.
- Arrange a meeting with the employee involved to have an open, non-judgemental conversation about the information that has been brought forward.
 - Ask the employee to provide their account of what happened and where applicable, confirm any facts or evidence.
- Where appropriate and required, complete an informal 'Disciplinary Action List' and discuss this with the employee (this should last no longer than 3-months) – this document should clearly outline expectations and the details on how the employee's progress will be monitored, and where appropriate, supported.

Be clear with the employee that if the required improvements are not made, or more information / information of a similar nature comes to light then a formal disciplinary process may be considered.

Informal Disciplinary Action List

The informal 'Disciplinary Action List' should outline the details of the incident and include:

- details of the incident.
- any remedial action/s.
- mitigations for the employee involved (where appropriate).
- any support provided (including occupational health advice).

The document should provide a clear summary of how the meeting with the employee went, and where applicable, explain how the employee's progress on achieving the actions will be monitored.

A template for the informal 'Disciplinary Action List' can be found on 'My Help' (formerly, askHR) with the other template letters and documents.

Formal Disciplinary

The formal disciplinary process may be used where:

- The employee has not improved performance under the informal process.
- The employee already has a live written warning for disciplinary in place at the time of new potential disciplinary issue.
- The misconduct allegation is sufficiently serious that it may be considered reasonable to start at the formal stage.

Next steps

1. Managers should approach HR for advice if there is an allegation of misconduct or gross misconduct which is going to be managed under the formal disciplinary process.
2. Managers will need to consider whether suspension is required – suspension should always be a last resort, and other alternatives, such as restricted duties should always be considered first.

If enacted, suspension is regarded as being a neutral act which aims to protect both the employee and the organisation and is not an assumption of guilt or confirming that an outcome has been determined.

You can find more information on suspension further down in this toolkit (or by clicking on the appropriate link in the contents page).

OFFICIAL

3. Once the manager has considered the information brought forward, whether suspension is required, and liaised with HR – they will need to arrange a meeting with the employee to notify them of the allegations in broad terms, so they are aware of the situation. However, managers should not disclose all the information to the employee, as this could compromise the fairness of the investigation.
4. Once the manager has had a conversation with the employee, they will need to draft a 'Terms of Reference' document (found in the disciplinary templates on 'My Help' (formerly, askHR)) and will take on the role of Commissioning Manager.

You can find more information about the process of an investigation in the flow charts listed further down in this toolkit.

Formal Disciplinary – Investigations

Once the Commissioning Manager has drafted the Terms of Reference, they will need to appoint an Investigating Officer to investigate. This is the first step of the formal process, and the investigation report will determine if the case moves to a formal Hearing.

The aim of an investigation is to collate any evidence, facts, or witness accounts by gathering a fair and impartial view of the details relating to the information brought forward or allegations that have been made.

Next steps:

- The Commissioning Manager will create the Terms of Reference document and send this to the Investigating Officer.
- The Investigating Officer will invite the employee (and any mentioned witnesses) to an investigation interview.
- The employee (and any relevant witnesses) will be given an opportunity to provide their account, alongside any evidence that pertains to the investigation.
- The Investigating Officer will have 20-working-days from the day they are appointed to conduct their investigation and complete an 'Investigation Report' (template available on 'My Help' (formerly, askHR)) – full details of the requirements of the Investigating Officer can be found in a checklist further down in this toolkit (or by clicking on the appropriate link in the contents

OFFICIAL

page).

- Once the Investigation Report is complete, this will be submitted to the Commissioning Manager, who will review all the information and decide if there is case to answer.
- If the Commissioning Manager decides there is a case to answer, the case will progress to a formal Hearing and the Investigating Officer will be required to attend to present the case for the employer.

Formal Disciplinary – Hearings

If there is a case to answer following an investigation, this is the second step of the formal process, which determines whether a sanction will be issued to the employee.

Following confirmation that there is a case to answer, the Commissioning Manager will appoint an impartial manager to be the Chair of the outcome Hearing (ideally, this manager should have had no previous involvement with the case but should have an awareness of the role / service area).

During the Outcome Hearing:

- The employer will have their chance to set out their case – providing a chronology to the Chair for consideration.
- The employee will have their chance to set out their case and answer any allegations that have been made against them.
- Based on the information, the Chair will then make the decision on what disciplinary action, if any, will be followed.

The SCC Hearing Guidance, which details the format of the Hearing and potential outcomes, can be found on 'My Help' (formerly, askHR).

Formal Disciplinary – Potential Outcomes

No formal sanction will be imposed without a Hearing taking place. Sanctions include:

- **No further action** – the Chair can consider whether it is necessary for the manager to implement an informal 'Disciplinary Action List' including remedial actions or recommendations to manage the disciplinary concerns.
- **First written warning** – live on employee's personal record for 6-months from the date of issue.

OFFICIAL

- **Final written warning** – live on employee’s personal record for 12-months from the date of issue.
- **Dismissal** – only applicable in cases of gross misconduct, or if an existing written warning for disciplinary is still live on an employee's personal record.

Formal Disciplinary Actions

- If a first or final written warning sanction is given as the outcome of the Disciplinary Hearing, the Hearing Chair (or Appeal Chair where an appeal has been held) will write a list of remedial actions or recommendations to the Commissioning Manager as part of their outcome.
- If the Commissioning Manager is not also the employee’s line manager, the Commissioning Manager will need to share any remedial actions and recommendations with the line manager for actioning.
- It is up to the line manager to decide which of the Chair’s actions or recommendations are appropriate, and to decide whether a ‘Disciplinary Action List’ is required to ensure these actions are enacted.
- Disciplinary Action Lists can only last for up to 3-months – however, if all the targets or actions have been achieved, the list can be closed sooner.

The Disciplinary Action List outline the details of the incident and should include:

- details of the incident.
- any remedial action/s already taken.
- mitigations for the employee involved (where appropriate).
- any support provided (including occupational health advice).

What if there are safeguarding concerns?

- **If the allegation involves or could affect vulnerable adults or children:** the line manager should notify the appropriate Safeguarding team as soon as possible, usually via Suffolk Multi Agency Safeguarding Hub (referred to as Suffolk MASH). *(Contact details and further information can be found on mySCC).*
- **If the allegation is against an employee who works with children and / or there are concerns that children may have been affected or involved in the incident:** a referral to the Local Authority Designated Officer (LADO) should be made. *(Further information on how to do this can be found by searching ‘LADO’ on ‘My Help’ (formerly, askHR)).*
- **If the allegation is against an employee who works with vulnerable adults and / or there are concerns that vulnerable adults may have been affected or involved in the incident:**

OFFICIAL

the 'Position of Trust' process should be invoked. *(Further information on how to do this can be found by searching 'position of trust' on 'My Help' (formerly, askHR)).*

HR will not automatically attend LADO or Position of Trust Meetings unless the case is particularly complex or there is a specific request for attendance.

Line managers can contact HR for advice before, during or after one of these meetings as required – *if you do need support from HR, please ensure you give an HR Advisor as much notice as possible to ensure there is enough time to review documents and capacity to support you during these processes.*

- Safeguarding processes may run alongside Suffolk County Council's (SCC) own disciplinary process, but sometimes either process may need to be paused whilst relevant information is obtained. This will be on a case-by-case basis and will depend on the information brought forward, and other agencies involved. Efforts should be made to conclude the process as quickly as possible to avoid any unnecessary distress or uncertainty for the employee.
- SCC can still consider implementing a disciplinary process against an employee even if the threshold for safeguarding involvement is not met.
- Sometimes, safeguarding referrals can be made in relation to an employee's personal actions. SCC can take disciplinary action in these cases depending on various factors which include (but are not limited to):
 - the reputational risk posed to organisation.
 - the fact or likelihood of any criminal investigation or conviction.
 - if the employee is registered with a professional body.
 - how far the actions of the employee relate to any situations or circumstances they might deal with in their employment with SCC.

Registrations

If an employee is de-registered from a professional body, this will normally in itself result in disciplinary action, particularly if the employee's job role depends on the registration.

- All Social Workers are required to be registered with Social Work England (SWE) which replaced the Health and Care Professions Council (HCPC) in December 2019.
- Employees who are SWE registrants must be 'fit to practise' in accordance with their registration, meaning that they must continually demonstrate that they have the skills, knowledge, and character to practise their profession safely and effectively.

OFFICIAL

- The line manager should contact SWE if the behaviour/s or action/s of a registrant have raised concerns about their fitness to practise; they have dismissed or suspended a registrant or they have taken the decision to downgrade the status of a registrant (for example, you restrict the work they can do, you place them under supervision, or you move them to a lower skilled or lower paid job).
- Further advice on raising concerns with SWE is available here: <https://www.socialworkengland.org.uk/concerns/raise-a-concern/>

Support and advice for the registered employee under investigation can be found on the SWE website.

The SWE Standards can be found online by searching for “Social Work England professional standards”.

The HCPC still regulate some other professions which may be employed by the County Council, including but not limited to Occupational Therapists and Psychologists. The HCPC website is <https://www.hcpc-uk.org/>

Employees may be committing a criminal offence if they use a ‘protected title’ which can only be used if an employee is registered with a particular professional body if they are not registered to do so.

Further information on registration can be found in the Disciplinary Policy.

Criminal Allegations

Information on the disciplinary process where there are criminal allegations or there is police involvement can be found in the ‘Criminal Allegations’ section of the Disciplinary Policy.

Suspension

Please contact the HR Advice Team if considering suspension. Suspension should always be a last resort due to the potential implications for an employee.

Where circumstances justify suspension, the manager should advise the employee:

- The reason for suspension.
- How long suspension is likely to last.
- That suspension is a neutral act that does not indicate guilt or that an outcome has been reached. It should be made clear to the employee that suspension is not disciplinary sanction in itself, and that a Disciplinary Hearing will not necessarily follow the investigation stage.

As far as possible, the suspension and reason for it should remain confidential. Where it is necessary to explain the employee’s absence, the manager should

OFFICIAL

discuss this with the employee to confirm how they would like this to be communicated with their colleagues and / or customers.

If a colleague is aware that the employee has been suspended (e.g., because they are a witness in the investigation) the manager should explain to the witness that the suspension is a precautionary measure and strictest confidentiality needs to be maintained.

It must be ensured that the circumstances of the allegations justify suspension and that it is necessary to ensure a fair investigation.

Further information on suspension can be found in the Disciplinary Policy.

Appeals

Employees can appeal all formal sanctions (they cannot appeal an informal process). Information on the appeals process can be found in the Disciplinary Policy and the SCC Appeals Process guidance, available on 'My Help' (formerly, askHR).

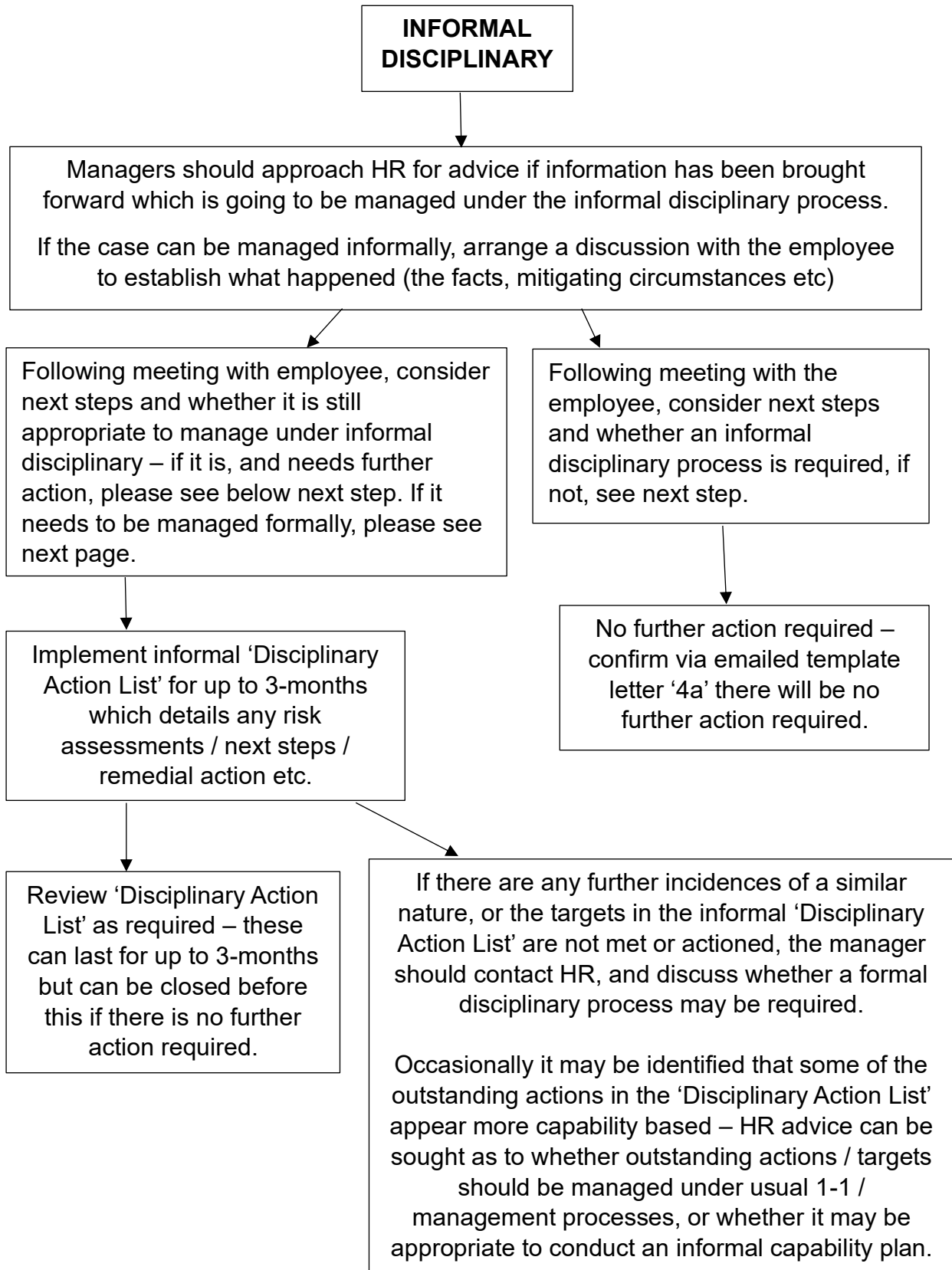
Welfare

The impact that can be felt when an employee has an allegation made against them is recognised by SCC. Whilst the information brought forward and any subsequent investigation and Hearing is to remain confidential, it is appreciated that this can be a stressful time. As such, there are various avenues of support available:

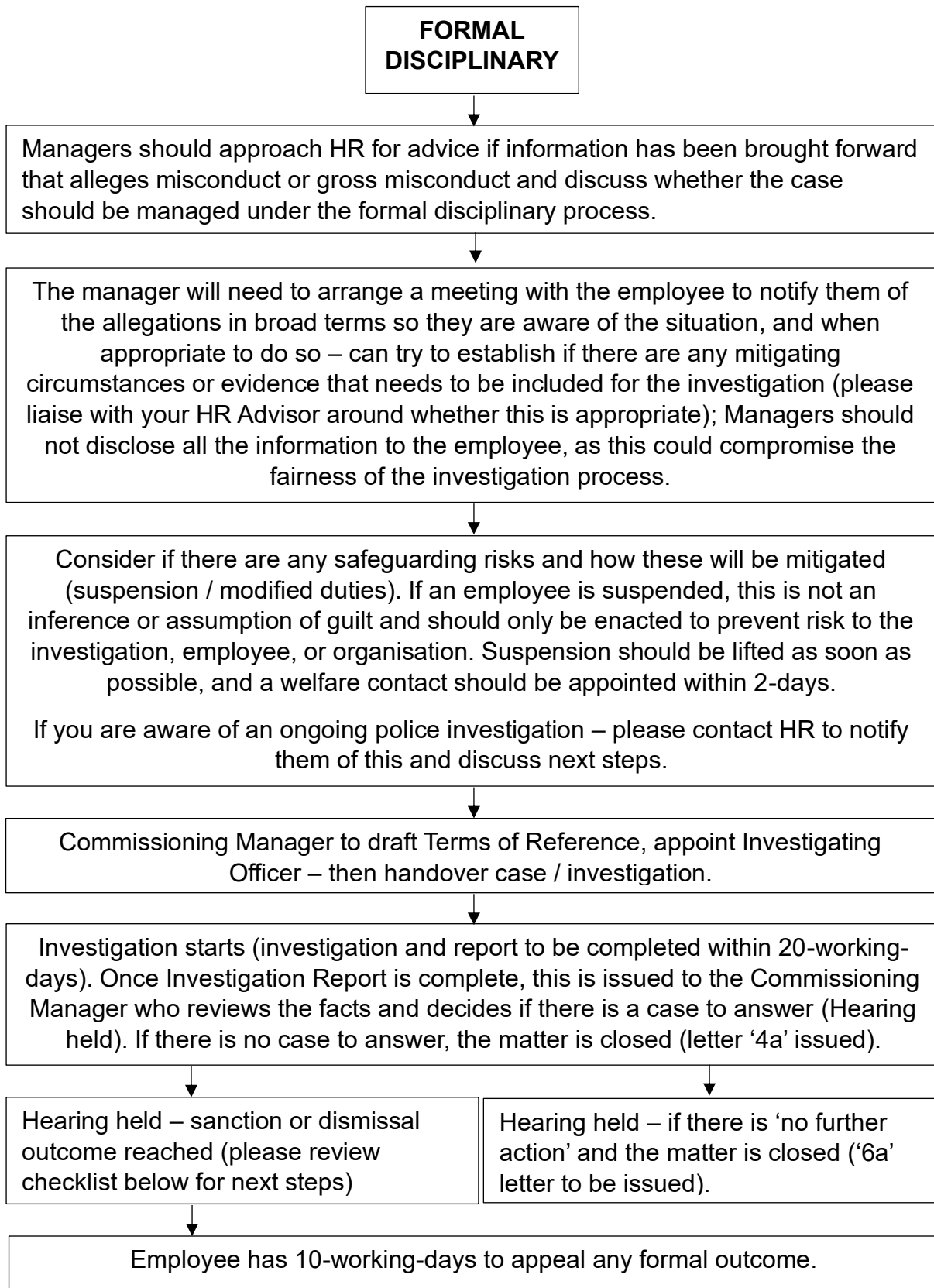
- Ongoing support from your line manager, or other appropriate individual (with prior agreement from management).
- Someone appointed as Welfare Support where appropriate (for example, if an employee is suspended).
- Employee Assistance Programme, for free confidential advice and support, 0808 168 2143.
- Mental Health First Aiders, MHFA@suffolk.gov.uk

Further information and other wellbeing support can be found on the myWellbeing pages on mySCC. There is also a Useful Contact Information further down in this toolkit.

Informal Disciplinary Process – Step-By-Step Picture



Formal Disciplinary Process – Step-By-Step Picture



OFFICIAL

Commissioning Manager ‘To-Do List’

The Commissioning Manager will need to write a ‘Terms of Reference’. This document will provide details of the information brought forward / any allegations and a list of suggested questions for the Investigating Officer to ask.

The Investigating Officer will use this document as reference point for their investigation and to gain an understanding of the allegations.

Once the Investigation Report has been submitted back to the Commissioning Manager, they will need to decide if there is a case to answer based on the findings of the report. If there is a case to answer, this then proceeds to a Hearing.

Step	Action	✓
1	Information is brought forward that details allegations which need to be investigated further.	
2	Commissioning Manager (CM) to list their concerns, remedial actions already taken, OH advice given (if appropriate), in preparation for next steps (this will also make it easier when it comes to writing the Terms of Reference).	
3	CM to arrange a meeting with an HR Advisor to discuss the situation including any safeguarding implications or police investigations etc.	
4	CM to arrange an initial meeting with the employee to have an initial discussion around the circumstances and notify them an investigation is required. CM to be mindful that the allegations should be discussed in broad terms to protect the fairness of the investigation process.	
5	CM to write the Terms of Reference	
6	CM to email the Terms of Reference to their HR Advisor to double check all relevant information is included.	
7	CM to appoint an Investigating Officer (if one cannot be identified within 5-days, your Senior Manager should be notified, and they will agree who will undertake the investigation).	
8	CM to email the Terms of Reference to the Investigating Officer.	
Investigation will be undertaken here – wait for report to come back from IO.		
9	The CM should receive the completed Investigation Report from the Investigating Officer (The 20-day timeframe starts the day the Investigating Officer is appointed, and the report should also be completed and returned to the CM within this time).	
10	CM to read the Investigation Report and decide whether there is a case to answer – CM can discuss with their HR Advisor, if required.	
11	If the CM decides there is no case to answer, the CM needs to issue template letter ‘4a. SCC Disciplinary Investigation Outcome Letter - No Case to Answer’ to the employee (all templates can be found on ‘My Help’ (formerly, askHR)).	
12	If the CM decides there is a case to answer, the CM will need to appoint a Chair who will arrange and hold the Disciplinary Hearing.	
Hearing will be undertaken here – wait for outcome of the Hearing		

OFFICIAL

13	<p>Receive the outcome of the Hearing (and confirmation of any sanction where applicable) from the Chair of the Hearing.</p> <p>When appropriate, the Chair should compile a list of remedial actions or recommendations to be met as part of the Disciplinary Hearing process and share these recommendations with the CM.</p> <p>Some of these recommendations may be for the CM or line manager (or both) to undertake themselves – such as changes to process or service delivery. But if recommendations for the employee cannot be managed via regular 1-1 process, then an informal '<i>Disciplinary Action List</i>' can be used to ensure accountability and that the actions are undertaken.</p>	
14	<p>If the employee appeals the Chair's decision, the original Hearing Chair will be responsible for appointing an Appeal Chair to who will then be responsible for arranging and holding an Appeal Hearing.</p>	
<p>Appeal Hearing will be undertaken here – usually the Chair of the original Hearing will attend in capacity of providing 'the case for the employer' as they will need to discuss the outcome reached with the Appeal Chair. The Appeal Chair can invite the Investigating Officer to attend the Appeal Hearing, but this is not usually required.</p>		
15	<p>CM will receive the outcome of the Appeal Hearing and any sanction that has been given.</p>	

Investigating Officer 'To-Do List'

The role of the Investigating Officer is to collate an accurate reflection of any witness statements, evidence, or facts in relation to the information brought forward / the alleged incident.

The Investigating Officer will ensure that the process is fair, accurate and always based on fact.

The Investigating Officer will complete an 'Investigation Report', which will contain all relevant written records, documents, and evidence (including any witness statements) as well as a summary of their findings at the end.

The timescale for the completed report to be submitted to the Commissioning Manager is 20-working-days from when the Investigating Officer was appointed to the role.

Tips for writing the report:

- Write in an objective, factual style (not subjective, or your interpretation / assumption).
- Stick to the facts.
- Keep the report concise.
- Explain any acronyms.
- Include all evidence (including witness statements).

Redaction

If the report contains the name of a vulnerable adult or child who may be a potential victim of the alleged conduct, but whose identity should be protected to ensure their safety or privacy, these names should be redacted or can be described as 'Child A' 'Adult A' or 'Customer A' for confidentiality.

A person's name can also be redacted if it is not deemed necessary for the Disciplinary Hearing to have this information, in compliance with data protection.

If a witness does not wish to be identified – every effort will be made to anonymise their statement, but witnesses should be made aware that they may be identified through specific events they witnessed / the detail of their account should their statements be used in a Hearing Pack if the investigation progresses to a Hearing.

You can redact a printed document by using a good quality permanent marker, or you can cross out the name and then use correction fluid to redact the document.

For electronic documents or scanned documents, it is normally possible to redact these either fully or by replacing the name with 'Child A' or 'Witness A' (for example). Please do not highlight electronic documents with the black highlighter button, as this

OFFICIAL

can be undone by another user.

It is the Investigating Officer's responsibility to ensure all documentation is appropriately redacted.

Submitting the report

Once the report has been completed and submitted to the Commissioning Manager, the Commissioning Manager will then decide whether there is a case to answer or not.

If it is decided there is a case to answer, the Investigating Officer will be responsible for creating a 'Disciplinary Hearing Pack' which includes all the evidence, witness statements and findings, and will need to attend the outcome Hearing to present their findings.

Step	Action	✓
1	Receive and read through the Terms of Reference provided by the Commissioning Manager – Investigating Officer (IO) to have a meeting with the Commissioning Manager to discuss any queries, if required.	
2	IO will then need to identify who needs to be interviewed, what evidence needs to be gathered and where to find this.	
3	IO to book a room and note taker for each interview.	
4	IO to write to employee using template letter '2. SCC Disciplinary Investigation Invite Letter - Employee' to invite them to an interview within 5-working-days of receiving the allegation. Give at least 5-working days' notice for them to attend.	
5	IO to write to any witnesses using template letter '2a. SCC Disciplinary Investigation Invite Letter - Witness' to invite them to an interview. Give at least 5-working days' notice for them to attend.	
6	Plan what questions needs to be asked in the interviews based on the detail within the Terms of Reference. IO's can check their questions with the assigned HR Advisor if they are unsure, but HR cannot advise explicitly what questions to ask.	
7	Interview the employee and any witnesses as arranged.	
8	IO to obtain interview minutes from note taker and review these are an accurate reflection; Once checked, IO to send interview minutes to the employee and any witnesses for agreement that they are an accurate reflection (this must be done within 5-working-days).	
9	IO to review interview minutes and all information collated, then prepare an Investigation Report using the Investigation Report Template (available on 'My Help' (formerly, askHR)).	
10	Complete your Investigation Report in an objective, factual manner. At the end of the Investigation Report, there is a section to which concludes the IO's own professional opinion and summarise what, in the IO's view is likely to have	

OFFICIAL

	<p>happened on the balance of probabilities. The IO can advise in their opinion whether they feel there is a case to answer – though ultimately, this decision is up to the Commissioning Manager.</p>	
<p>11</p>	<p>IO submits Investigation Report to the Commissioning Manager</p>	
<p>12</p>	<p>If the Commissioning Manager decides there is a case to answer, the IO will need to prepare a Disciplinary Hearing Pack and ensure this is ready to be sent to the Chairperson at least 5-working-days prior to the Hearing date, so the Chairperson can send the invite letter to the Hearing and a copy of the Hearing Pack out together with 5-working-days’ notice to the employee.</p> <p>A template of the Hearing Pack is available on ‘My Help’ (formerly, askHR) with the disciplinary documents.</p> <p><u>The Disciplinary Hearing Pack will need to be issued to:</u></p> <ul style="list-style-type: none"> • The Chair of the Hearing. • The employee attending the Hearing (if posting, send two copies so one can be issued to attending work colleague or trade union representative, or advise the employee in the email it is their responsibility to share a copy of the Hearing pack with this person if they wish to). • The HR Advisor. • Retain a copy for the IO to use during the Hearing. <p>The Hearing Pack will need to include a copy of the Terms of Reference, a copy of the Investigation Report (with redaction where appropriate, further guidance on redaction can be found in the Disciplinary Policy), a copy of the SCC Hearing Guidance, and any other relevant documents in the report such as witness statements.</p> <p>**Please do not include witness invite letters as part of this pack as this information is confidential for that witness.</p> <p>The IO must also include a copy of the Disciplinary Policy, Disciplinary Toolkit and SCC Hearing Guidance as part of this pack.</p>	
<p>13</p>	<p>Attend the Hearing and present the case for the employer based on the information contained within the Disciplinary Hearing Pack.</p> <p>The SCC Hearing Guidance can be found on ‘My Help’ (formerly, askHR), which gives further direction on the format that Hearing’s should take.</p> <p>Once the outcome letter is issued, the employee will have 10-working-days to appeal the decision.</p>	

Hearing Chair 'To-Do List'

The role of the Hearing Chair is to listen to the summary of findings by the Investigating Officer, listen to the case for the employer and the case for the employee and decide the most appropriate outcome for the case and any relevant sanction.

You can find more information on how to hold a Disciplinary Hearing under 'SCC Hearing Guidance' available on 'My Help' (formerly, askHR).

Step	Action	✓
1	The Hearing Chair (HC) needs to book a room for the Hearing to take place.	
2	HC to book a note taker for the Hearing.	
3	<p>HC to send the template letter '4b. SCC Disciplinary Investigation Outcome Letter - Notification to Attend Formal Hearing' to the employee notifying them that their attendance is required at the formal Hearing.</p> <p>The letter must clearly list the allegations made against the employee and be sent at least 5-working-days prior to the Hearing.</p> <p>Please forward a copy of this Hearing invite letter to the assigned HR Advisor so a copy can be saved to the casefile.</p> <p>HR will not necessarily attend a Hearing – but if you wish to invite them, please ensure you give as much notice as possible so the Advisor can ensure they have the capacity to support this.</p>	
4	HC to inform the Investigating Officer, Note Taker and HR of the date, time, and location of the Hearing.	
5	Once the Investigating Officer has been notified, they will collate a Disciplinary Hearing Pack for you. The HC should receive the Disciplinary Hearing Pack at least 5-working-days prior to the Hearing.	
6	<p>HC to conduct the Hearing - guidance for how Hearing's should be managed, and flow can be found on 'My Help' (formerly, askHR) by searching for SCC Hearing Guidance.</p> <p>A copy of the SCC Hearing Guidance should also be included in the Disciplinary Hearing Pack for convenience.</p>	
7	HC to determine the outcome.	
8	<p><u>HC to send the outcome letter to the employee (and a copy to HR for the casefile). The options are:</u></p> <ul style="list-style-type: none"> • '6a. Disciplinary Outcome – no further action'. • '6b. Disciplinary Outcome – first written warning'. • '6c. Disciplinary Outcome – final written warning'. • '6d. Disciplinary Outcome – misconduct, dismissal'. • '6e. Disciplinary Outcome – gross misconduct, dismissal'. <p>The outcome letter must be sent within 5-working-days of the Hearing being held.</p>	

OFFICIAL

9	<p>If there is 'no further action' the HC can notify the Commissioning Manager of this.</p> <p>If the outcome is a first or final written warning, the HC can write a list of remedial actions or recommendations (please see step 9).</p> <p>If the outcome is dismissal please see step 9.</p>	
9	HC to notify Commissioning Manager of the outcome and where appropriate, any remedial actions or next steps.	
Period of Appeal (10-working-days)		
10	<p>If appeal is received, HC will need to appoint an Appeal Chair and provide a copy of the Hearing Pack to the Appeal Chair.</p> <p>It is recommended that the HC write a statement to summarise why they reached their decision so a copy of this can be issued to the Appeal Chair for consideration. The Appeal Chair will ask the original Chairperson to attend the Appeal Hearing to provide the 'Case for the Employer'. The Investigating Officer will not need to attend the Appeal Hearing, unless requested to do so by the Appeal Chairperson.</p>	

OFFICIAL

Appeal

Employees can appeal any formal outcome reached as part of the disciplinary process within 10-working days of receiving the outcome letter. Further information can be found in the Appeals Process (available on 'My Help' (formerly, askHR)).

If an employee appeals, they must do so in writing to the Chair who sent them the outcome letter. The Chair of the original Hearing must then appoint an Appeal Chair (who is ideally someone impartial, with no prior involvement with the case, that has an awareness of the job role / service requirements).

Appeal Chair 'To-Do List'

Similar to the format of the original outcome Hearing, the role of the Appeal Chair is to listen to the case for the employer and the case for the employee and determine if the original outcome decided by the Hearing Chair is appropriate or if this needs revising.

There is no requirement for the Investigating Officer to attend the Appeal Hearing; The Chair from the original Hearing will attend to provide a statement for the employer and summarise why their decision was reached based on the facts established in the investigation report. However, the Investigating Officer may need to be available at the request of the Appeal Chair in case they need to ask any questions for clarification.

There is no further right of appeal after the Appeal Hearing has taken place and an outcome reached.

Step	Action	✓
1	Appeal Chair (AC) receives letter of appeal from the original Hearing Chair. The original Hearing Chair should also send a copy of the Disciplinary Hearing Pack and a written summary for how they reached the outcome in the original Hearing.	
2	AC to book a room and note taker for the Appeal Hearing to take place.	
3	AC to send template letter '7. SCC Disciplinary Appeal Hearing Invite Letter' to the employee notifying them that their attendance is required at a formal Disciplinary Appeal Hearing. This must be sent at least 5-working-days prior to the Appeal Hearing.	
4	AC to notify the original Hearing Chair and HR of the date, time, and location of the Appeal Hearing. HR will not necessarily attend the Appeal Hearing – but if you wish to invite them, please ensure you give as much notice as possible so the Advisor can ensure they have the capacity to support this.	

OFFICIAL

5	AC to conduct the Appeal Hearing (guidance on the format this needs to follow can be found in the SCC Hearing Guidance available on 'My Help' (formerly, askHR)).	
6	AC to determine the outcome of the appeal. Once outcome has been reached, the employee does not have any further right of appeal.	
7	<u>AC to send the outcome letter to the employee (and a copy to HR for the casefile). The options are:</u> <ul style="list-style-type: none">• '8a. SCC Disciplinary Appeal Hearing Outcome Letter – Upheld'.• '8b. SCC Disciplinary Appeal Hearing Outcome Letter – Not Upheld'. The outcome letter must be sent within 5-working-days of the Appeal Hearing being held.	
8	AC to notify Commissioning Manager of outcome.	

OFFICIAL

Useful Contact Information

You may find the following information useful if you require further advice or support.

Service Name	Support Available	Contact Details
Welfare Rights Helpline	Benefits and Housing Advice for employees of Suffolk County Council.	Tel: 01473 264545 Email welfarerightshelpline@suffolk.gov.uk Mon – Fri 9.30am - 3.00pm
Employee Assistance Programme – lifestylesupport	Access to Telephone and Face-to-Face counselling, free legal advice, General Information and Advice	Tel: 0800 168 2143 Web: What is the EAP?
OneLife Suffolk	Advice and support on a variety of health matters including weight loss and smoking cessation. Also provides details of Health Walks in the area, and can arrange NHS Health Checks	Web: http://www.onelifesuffolk.co.uk Email: info@onelifesuffolk.co.uk Tel: 01473 718193
Staff Groups and Support Networks	Suffolk County Council has staff support networks available to all staff across Suffolk County Council. The groups meet regularly and seek to support staff, influence the organisations' policy and practice, and improve our services to customers.	Web: Staff Support Networks

OFFICIAL

Suffolk InfoLink	Community directory providing details of local clubs, services, statutory organisations, and local and national advice and support services.	Web: http://infolink.suffolk.gov.uk
Suffolk County Council HR and Payroll	Can address queries relating to SCC Policies and Processes, Payroll and Pensions	Web: can be found via 'My Help' (formerly, askHR) on Oracle http://www.suffolkpensionfund.org/ Email: HDhumanresources@suffolk.gov.uk HDpayroll@suffolk.gov.uk Tel: 03456 05 3000 (HR Helpdesk)
Samaritans	A charity providing emotional support to anyone who is distressed, struggling to cope, or in need of a trained listening ear. Also provides advice and guidance to people who may be supporting others	Tel: 116 123 (24 hours) Email: jo@samaritans.org Web: http://www.samaritans.org
Mind	Mental health charity providing advice and support to anyone experiencing or affected by a mental health problem. Also provides a wealth of resources for families, friends, and employers.	Tel: 0300 123 3393 Email: info@mind.org.uk Web: http://www.mind.org.uk

OFFICIAL

Turn2Us	Turn2us helps people in financial need gain access to welfare benefits, charitable grants, and other financial help. Also provides a benefits calculator to help individuals understand what State benefits they may be entitled to.	Web: http://www.turn2us.org.uk
Turning Point	Support and guidance for those experiencing problems with alcohol or drug use.	Web: http://www.turning-point.co.uk
Citizens Advice Bureau	Confidential advice on a range of issues, including work, benefits, debt, money, family, consumer rights, law, immigration, health, and housing.	Web: https://www.citizensadvice.org.uk/ Centres across Suffolk

OFFICIAL

Document Change Control

Changes History

Issue No	Date	Amended By	Summary of Changes
1	15/03/2024	Bethany Stromberg and Kate Fellman	New toolkit (created in conjunction with 12-10-2023 Disciplinary Policy update)

OFFICIAL



Disciplinary Policy

Document Owner: Jeanette Bray
Version: Issue 1.1
Date: 12 March 2026

Copyright Suffolk County Council 2026

OFFICIAL

Table of Contents

	PAGE
1 INTRODUCTION AND SCOPE	2
1.1 INTRODUCTION	3
1.2 SCOPE	3
2 POLICY DETAIL	3
2.1 CONFIDENTIALITY.....	3
2.2 INITIAL CONVERSATION	3
2.3 INFORMAL DISCIPLINARY PROCESS	4
2.4 FORMAL STAGE - HEARINGS.....	5
2.5 FORMAL STAGE - DISCIPLINARY ACTIONS	5
2.6 RIGHT TO BE ACCOMPANIED	6
2.7 GROSS MISCONDUCT	6
2.8 EXAMPLES OF MISCONDUCT AND GROSS MISCONDUCT	6
2.9 CRIMINAL ALLEGATIONS	6
2.10 SUSPENSION	7
2.11 APPEAL	7
2.12 ACTION AGAINST TRADE UNION REPRESENTATIVES	7
2.13 SHARING INFORMATION.....	7
2.14 REGISTRATIONS.....	8
2.15 WELFARE SUPPORT	8
2.16 FURTHER INFORMATION	8
3 DOCUMENTATION CHANGE CONTROL	9

1 INTRODUCTION AND SCOPE

1.1 Introduction

There may be times when an employee's conduct or behaviour falls below that which is expected of them. Many disciplinary issues can be dealt with informally and promptly. However, where this is not possible or appropriate this formal procedure will apply.

1.2 Scope

The policy applies to all SCC employees including those on Grey Book and staff on teaching terms and conditions and school-based support staff working within Education, Skills and Learning and Inclusion Services. However, this policy does not apply to teaching and support staff working for schools directly, or staff on different terms and conditions that separately cover disciplinary.

This policy may be amended at any time, following consultation with the Council's recognised Trade Unions.

2 POLICY DETAIL

2.1 Confidentiality

All employees should treat any information communicated to them connected to a disciplinary matter or investigation confidentially.

The employee will usually be provided with the names of any witnesses whose evidence is relevant to the disciplinary matter against them, unless it is believed that a witness's identity should remain confidential.

Audio or video recording is not endorsed by SCC and covert recordings should not take place under any circumstances. This includes any individual accompanying or representing the employee.

2.2 Initial Conversation

Before deciding how to manage a disciplinary concern, managers should normally hold a one-to-one conversation with the employee. This is a short, fact-finding discussion to understand what has happened before determining the next steps.

In some cases, it may not be appropriate to have this type of conversation if doing so could prejudice an investigation (for example, risk of evidence being altered or witnesses being influenced). If you are unsure whether a one-to-one conversation is appropriate, you should seek advice from HR before speaking to the employee.

The purpose of this conversation is to clarify the situation to determine how best to move forward, it is not to issue any sanctions and does not form part of the disciplinary

process (informal or formal). After this discussion, the manager should seek HR advice to decide whether:

- No further action is needed
- The matter can be managed informally
- A formal disciplinary process is required

keep a concise record of the conversation, noting the concerns raised and any agreed actions. These actions should be practical and supportive, such as providing training or implementing process improvements, and must be monitored by the manager. This approach is similar to how performance or conduct matters are documented during a one-to-one discussion.

These actions are not disciplinary sanctions and do not form part of the formal disciplinary process. However, if it is determined that the matter should be addressed informally, there is a defined process that must be followed and documented. Guidance for both informal and formal procedures is outlined later in this policy.

If the concern is not resolved, or new information suggests a serious breach, the matter will move to the formal stage.

2.3 Informal Disciplinary Process

If after the initial discussion and advice from HR, it is agreed that the matter is suitable for informal resolution, the informal disciplinary process should be used.

Purpose of the Informal Process

The informal process aims to address minor concerns promptly and constructively, without invoking the formal disciplinary process. It focuses on development and support, rather than punitive measures.

Key Principles

- Informal action is not a disciplinary sanction and should not be recorded as such.
- The aim is to help the employee understand the concern and agree practical remedial steps to prevent recurrence.
- HR advice must be sought before starting the informal process to ensure consistency and fairness.

How to Manage Informally

- Arrange a private meeting with the employee to explain the concern clearly and listen to their perspective. Use open questions to encourage the employee to share their own experience and evidence, rather than leading them towards a particular answer.

- Agree on supportive or remedial actions, such as additional training, coaching, or process changes.
- Identify clear expectations for improvement and a reasonable timeframe for review, and ensure these actions are followed through. If decisions are made by another manager, they must confirm that the line manager has the authority and resources to implement them.
- Keep a brief note of the discussion and agreed actions for reference. This note should be retained by line manager and must not be placed on the employee's formal record.

Escalation

If the concern is not resolved within the agreed timeframe, or further issues arise, the matter may progress to the formal disciplinary stage following HR advice.

2.4 Formal Stage - Hearings

If there are grounds for the matter to proceed to a disciplinary Hearing following an investigation, then the employee will be notified in writing of the allegations raised against them, what the potential outcomes of the Hearing could be and the date, time, and location of the Hearing. The employee will be provided with all relevant information gathered during the investigation.

An appropriate Hearing Chair, who is impartial to the allegations and ideally more senior, or at least equal in seniority to the employee, will be appointed and they will ensure a fair hearing is conducted. The employee will be able to set out their case and answer any allegations that have been made against them. The employee will be notified of the decision in writing within five working days from the date of the hearing and where possible, verbally.

The Hearing may be adjourned if it is deemed that further investigation is required, such as re-interviewing witnesses following any new information coming to light during the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Where an employee is persistently unable or unwilling to attend a disciplinary meeting (including investigation interviews) without good cause, the employer may have to make a decision on the outcome of the Hearing based on the available evidence.

2.5 Formal Stage - Disciplinary Actions

Where misconduct has been established the disciplinary action may be:

- First written warning – remains live on the employee's record for 6 months from date of issue.
- Final written warning – remains live on the employee's record for 12 months from date of issue.

- Dismissal - if an earlier final written warning is still live on an employee's record, or in cases of gross misconduct.

No formal sanction will be imposed without a Hearing having taken place.

Where a formal sanction is not issued, it may be appropriate for an Informal Action Report to be implemented.

2.6 Right to be Accompanied

The employee may bring a companion to an investigation meeting, Disciplinary Hearing, or Appeal Hearing. The companion may either be a trade union representative, or a work colleague and the employee must inform the chair who their companion is ahead of the day that the hearing is due to take place.

A companion may make representations or ask questions during any Hearing however, they should not answer questions on the employee's behalf. The employee may request to confer in private with their companion at any time during the Hearing.

2.7 Gross Misconduct

Acts that may constitute gross misconduct are generally, but not limited to, those resulting in a serious breach of contractual terms and conditions. This is the only category where an employee can be dismissed for a first disciplinary offence. Where gross misconduct has been established, immediate dismissal without notice will usually apply.

2.8 Examples of Misconduct and Gross Misconduct

The ACAS guidance on disciplinary procedures recommends that employees are left in no doubt as to the type of behaviour or conduct that will result in disciplinary action against them.

It is not possible to specify all types of behaviour that will result in disciplinary action. Each case must be judged in the light of the circumstances surrounding it. Examples can be found in the Disciplinary Toolkit, which is accessible to all employees on the Council's intranet. The list is not exhaustive and disciplinary action may be taken for matters not on the list.

2.9 Criminal Allegations

Where an employee's conduct is the subject of a criminal investigation, charge or conviction, an investigation will be carried out and the Council may be in consultation with the Police. If the criminal investigation, charge or conviction is related to conduct outside of work, this may be treated as a disciplinary matter. An outcome of any prosecution will not usually be waited for when deciding what, if any, action to take.

Where the employee is unable or has been advised not to attend a Disciplinary Hearing or say anything about a pending criminal matter, a decision may be made based on the available evidence.

2.10 Suspension

It may be necessary to suspend an employee from work during the disciplinary process. The details of any suspension will be confirmed to the employee in writing. While suspended, the employee should not visit the Council's premises or contact any of our clients, customers, or staff, unless they have been authorised to do so by their line manager. Suspension is not a disciplinary sanction and does not imply that a decision is already made about the allegations.

During suspension, the employee will continue to receive their regular pay.

2.11 Appeal

Employees have the right of appeal against any disciplinary action imposed if they feel it is wrong or unjust. The appeal must be in writing setting out the full grounds of the employee's appeal and received by the disciplinary Hearing chair within ten working days following receipt of the letter detailing the decision of the Hearing.

An appropriate appeal Hearing Chair, who is impartial to the allegations and ideally more senior, or at least equal in seniority to the employee, will be appointed and the employee will be informed in writing of the date, time, and location of the appeal Hearing. Following the appeal Hearing the appeal Hearing Chair may:

- confirm the original decision;
- revoke the original decision; or
- issue a different sanction.

If the employee wishes to appeal against a dismissal made by a director, they may do so to another Director or the Dismissal Appeals Committee (DAC). The DAC will consider and determine any appeal by a director against dismissal, or to consider and determine any allegation of conduct, capability or breakdown in trust against the Chief Executive, Head of Finance, Monitoring Officer or Deputy Monitoring Officer.

The outcome of an appeal Hearing will be confirmed with the employee in writing within five working days of the Hearing and where possible, verbally.

There will be no further right of appeal.

2.12 Action against Trade Union Representatives

Normal disciplinary rules apply to Trade Union Representatives, but where disciplinary action may be taken against a Trade Union Representative, the circumstances must be discussed with a senior branch representative or a full time official of the Union

concerned beforehand, if the employee consents. The employee's manager, in consultation with Human Resources, must ensure this takes place.

2.13 Sharing Information

Under data protection laws, the police (or any other law enforcement agencies) have the right to request access to personal information that Suffolk County Council holds about employees, which can include disciplinary proceedings.

These requests should not be actioned under this Disciplinary Policy and should be made to Suffolk Legal using the following email address: criminaldisclosure@suffolk.gov.uk

2.14 Registrations

If an employee is registered with a regulatory body, for example, but not limited to, Social Work England or The Nursing and Midwifery Council, Suffolk County Council may share information of disciplinary proceedings with the relevant regulatory body.

2.15 Welfare Support

The Council recognises the impact that having an allegation raised against an employee can have on them. Employees will receive ongoing support from their line manager, or other appropriate individual, during any disciplinary process.

Other wellbeing support is available such as, but not limited to, Mental Health First Aiders and the Council's Employee Assistance Programme. More details can be found via the Council's intranet.

2.16 Further Information

Further advice and guidance can be obtained from the Council's intranet or Human Resources. Relevant e-learning and training courses are also available on the Council's intranet.

3 DOCUMENTATION CHANGE CONTROL

Changes History

Issue No	Date	Amended By	Summary of Changes
1.0	2 March 2023	Natasha Todd	Included sections on confidentiality, the right to be accompanied, criminal allegations, suspension, sharing information, welfare support.
1.a	7 July 2023 11 Oct 2023	Natasha Todd	Transferred to new policy template. Updated scope to clarify who the policy applies to. Included a section on registrations and provided some clarity on what an appropriate Hearing Chair is following feedback from Trade Unions. Included that employees have a right to be accompanied at investigation meetings.
1.1	12 March 2026	Tom Patterson	Amendments made to clause 2.2 and clause 2.3 added to clarify the purpose and process of the informal disciplinary stage.

Authorisation (Responsible Owner)

Role	Name	Approval Date
Head of HR, Performance & Change	Jeanette Bray	14 August 2023

Approval (Accountable Owner)

Role	Name	Approval Date
Trade Unions	Tom Patterson	12 March 2026

Reviewers (Consulted)

Role & Review Responsibilities	Name	Approval Date
Staff Partnership Board	Natasha Todd	11 October 2023
HR Lead Team	Natasha Todd	14 August 2023

Distribution List - Once authorised (Informed)

Name	Organisation
To be published on 'My Help' (formerly, askHR), and included in Inside SCC and on the manager's webinar	Suffolk County Council

Review Period

Date Policy to be Reviewed	By whom
October 2025	HR