

EMPLOYEE CODE OF CONDUCT

(Covering all employees)

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7 August 2012

1 Introduction

- 1.1 The citizens of Edinburgh are entitled to expect the highest standards of conduct from our employees.
- 1.2 Our reputation is of critical importance in establishing and maintaining their trust and confidence and compliance with this Code of Conduct should therefore be given the highest priority.
- 1.3 As an organisation, we are focused on our customers and staff and value people. Our success is dependent on both the quality of our services and the way in which they are delivered, and is underpinned by our corporate values:
 - we put the customer first
 - we look after Edinburgh
 - we are responsive and accountable
 - we work towards continuous improvement
 - we aim for equality and fairness
 - we encourage sustainable development
- 1.4 We expect every employee to conduct themselves according to high professional and ethical standards, and in a way that maintains these values.
- 1.5 This Code of Conduct builds upon those values and sets out the standards of conduct which govern our relationship with the citizens of Edinburgh and each other.
- 1.6 In addition to this Code, seven principles of public life were identified by the Nolan Committee and adopted by COSLA. We expect all employees to adhere to these principles, which are listed in full in Appendix 1 to this Code.

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2 Scope

- 2.1 Every employee of the Council is covered by this Code. The Code and related policies form part of your terms and conditions of employment.
- 2.2 You have a responsibility to familiarise yourself with this Code and comply with the standards it sets out.

3 Compliance

- 3.1 In order to ensure all employees are aware of their responsibilities under the Code, each employee will be required, at the point of commencing employment with the Council, and at each subsequent annual Performance, Review and Development meeting, to confirm that they have read and understood the requirements of this Code and related policies, and confirm that they will comply with the Code.

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4 Failure to Follow this Code

- 4.1 Adherence to this Code in relation to your personal conduct, duties and responsibilities is crucial to the maintenance of our reputation and the Council's interests.
- 4.2 Failure to follow this Code will be treated seriously and may lead to disciplinary action being taken, up to and including dismissal.
- 4.3 If you are in any doubt about whether a course of action is appropriate, you should consult your line manager.

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5 Raising Concerns

- 5.1 If you believe that your own or another employee's behaviour contravenes the Code of Conduct and related policies, it is vital that you raise the issue with an appropriate person. If your concerns relate to your line manager, you should raise the issue with your line manager's manager; if your concerns relate to others within the management structure above your line manager, you should raise the issue with an appropriate manager within your service or with a member of HR.
- 5.2 There may be circumstances where you believe malpractice is occurring, but feel it is difficult to raise the issue. In these circumstances, you should refer to the Council's Policy on Public Interest Disclosure – also known as the Whistleblowing policy.
- 5.3 All concerns raised will be taken seriously. The Council will take appropriate action to maintain confidentiality and ensure that you are protected from any form of victimisation if you raise an issue in good faith.
- 5.4 However, confidentiality can only be maintained as far as it is reasonably practicable within our duties as an employer, having regard to external and internal processes. For example, there may be occasions where concerns raised result in disciplinary investigation and the identity of the employee may need to be revealed in order to apply our disciplinary processes.
- 5.5 The Council will only involve other agencies or share information externally with the consent of the employee concerned, unless we are required to do so by law or the information is necessary for the protection of children or vulnerable adults.
- 5.6 You should be aware that failure to raise concerns, without good reason, may result in disciplinary action up to and including dismissal being taken against you.
- 5.7 You should also be aware that raising false concerns maliciously or vexatiously may also result appropriate disciplinary action being taken against you.

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6 Related Policies

- 6.1 The Council has developed a range of policies and procedures that govern conduct at work and which will help you to resolve any issues. These can be accessed [on the Orb](#) or from your line manager.

7 Personal Conduct

- 7.1 You are expected to behave professionally and courteously to colleagues and customers at all times and are expected to conduct yourself in a manner that maintains the Council's good reputation.
- 7.2 You are expected to comply with the reasonable instructions of your line manager or other senior managers.
- 7.3 The Council aims to provide a safe working environment where employees are treated fairly and with respect. As an employer, we are committed to ensuring equality of opportunity and fair treatment for all employees. Discrimination, bullying, victimisation or harassment of any kind is not tolerated.

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8 Alcohol and Drugs

- 8.1 Consumption of alcohol or drugs in the workplace is not normally permitted at any time during normal working hours. Exceptionally, alcohol consumption may be permitted as part of an approved workplace event. Such events (e.g. retirements) should be held outwith normal working hours and require the prior authorisation of the Chief Executive or appropriate Chief Officer.
- 8.2 An employee who is found to be, or becomes unfit to undertake the contractual duties of their post due to the consumption of alcohol or drugs at any time during the working day, will be sent home for the remainder of that working day. If necessary, he / she may be accompanied. The matter will be dealt with in accordance with the Council's Procedure for Managing Conduct and behaviour when the employee is fit to return to work. For further information, see the Council's Workplace Policy on Alcohol, Drugs and Substance Misuse.

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9 Professional Registration Requirements

- 9.1 Certain occupations are also governed by externally set registration requirements and professional standards of conduct. Failure to meet and maintain registration requirements / standards may result in disciplinary action up to and including dismissal being taken against the employee by the Council.

9.2 Additionally, the Council is required to comply with certain duties to notify external registration bodies of instances concerning misconduct and/or disciplinary action taken. Where this occurs, you will be notified by the Council.

10 Inappropriate Conduct Outside of Work

10.1 Inappropriate conduct outside of work may result in disciplinary action if it directly impacts on or affects your ability to do your job, or has the potential to damage the reputation of the Council.

10.2 If you are charged by the police and are the subject of any criminal proceedings you must disclose this to your manager as soon as practicable.

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11 Council Assets, Systems and Information

11.1 You are responsible for safeguarding Council assets, systems, and information under your control or accessed as part of your work. Assets can include property, equipment, vehicles, information, and financial transactions.

11.2 You may be permitted access to telephones, intranet / internet, and email systems, as well as other equipment and information systems. Your use of these must be for a legitimate Council business purpose, and comply with relevant policies and codes.

11.3 Some of the information you encounter in the course of your work with the Council may be privileged or confidential in nature. Such information should be held in the strictest confidence and must not be divulged to other parties without authorisation.

11.4 Misuse of Council assets, systems or information may lead to disciplinary action and in certain cases may constitute a criminal offence.

12 Conflict of Interest

12.1 As an employee, you must not misuse your position or any information obtained in the course of employment to further your own interests or the interests of others who do not have a right to benefit under the Council's policies. Such misuse may result in disciplinary action, up to and including dismissal, and in certain cases constitute a criminal offence.

12.2 You should never use your position with the Council to seek special favour or preferential treatment for yourself, relatives or personal contacts.

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What is a Conflict of Interest?

12.3 A conflict of interest can arise if your outside activities, private, personal or financial interests influence or interfere with the decisions you make in the course of your work for the Council, or **appear to or could be perceived to**

influence or interfere with the decisions you make in the course of your work for the Council.

- 12.4 Within this context, outside activities, private, personal or financial interests include those that you or a family member or personal contacts may have.
- 12.5 These can include ownership of shares or a financial investment in a company or business, involvement in a company or business, or in a club or organisation, (whether these are open to the public or not) and include both employed and non-employed roles and activities, including unpaid or voluntary positions within such organisations.
- 12.6 'Personal contacts' should be taken in its widest sense, and can include someone you play sport with, someone who is a member of the same club as you, or even a close personal relationship with a colleague.
- 12.7 A conflict of interest can also occur where you have access to Council information and use, or could be perceived as using, this information for personal gain or advantage.
- 12.8 A conflict of interest can also occur where you have access to Council information and pass this information without authorisation to a family member, personal contact or an external organisation you are involved with, who then gain or could be perceived to gain an advantage or benefit by receiving this information.

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Examples of Conflicts of Interest

- 12.9 Examples of conflict of interest include (but are not limited to):
- you, a family member, or a personal contact own property, or intend to buy property, the value or purchase price of which may be affected by a decision or recommendation that you are involved in making, in the course of your work for the Council;
 - you are making a purchasing decision involving external suppliers / contractors and you, or a family member, or a personal contact has an interest (financial or otherwise) in one of the potential suppliers / contractors;
 - you are involved in voluntary work for a charity, which may benefit financially or otherwise be affected by a decision or recommendation that you are involved in making, in the course of your work for the Council;
 - work / involvement in business outwith the Council, without permission to do so;
 - you have access to information at work which may assist or be perceived as assisting you in a private venture;

- you use Council systems / contacts to obtain materials for your own use at a preferential price;
- you are involved in conducting a disciplinary investigation in which a person you have a personal relationship with is involved.

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Requirement to Declare Conflicts of Interests

- 12.10 It is your responsibility to declare any **actual** or **potential** conflicts of interest. If you are in any doubt about whether an actual or potential conflict of interest exists, you should consult your manager.
- 12.11 This will safeguard you from the possibility of future criticism, and allow your manager to plan the work you are involved in accordingly to avoid actual or potential conflicts of interest arising which could impact negatively on the Council and potentially result in disciplinary action up to and including dismissal being taken against you.
- 12.12 Similarly, if a manager becomes aware of an actual or potential conflict of interest, which an employee appears not to have raised, they should raise the matter with the employee and take appropriate action.
- 12.13 If you consider there **may** be a conflict of interest you should complete the Declaration Form – Conflict of Interest. The Declaration Form is available in [Appendix 2](#) or from your line manager. This should be submitted to your Head of Service for consideration.
- 12.14 In the case of Heads of Service, the form should be submitted to their Director. Directors should submit the form to the Chief Executive.
- 12.15 You will be notified in writing within 10 working days of any further proportionate actions you will be required to undertake regarding your conflict of interest.
- 12.16 Services must maintain accurate records of declarations made and any actions required regarding declared conflict of interests. The format of records kept will be determined corporately.

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Review of Approval

- 12.17 Where you have declared a conflict of interest, this should be reviewed by your manager on an annual basis to ensure that any actions taken remain appropriate and proportionate. For some employees, it may be appropriate for the review to be incorporated into the employee's annual Performance, Review and Development meeting. For others, a separate meeting may be required.

12.18 If there are any material changes which affect your declared conflict of interest in the interim period, this should be reported immediately to your manager.

12.19 **Consequences of non-declaration**

12.20 If information comes to light regarding your outside activities, private or personal interests, and the Council considers that you should have made a declaration but chose not to do so, or if you did not fully disclose details of any potential conflict of interest, then disciplinary action up to and including dismissal may be taken against you.

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13 **Employment Matters**

13.1 You should not be involved in appointments or decisions relating to discipline, grievance, promotion or grading, or payment of additional expenses /overtime where you are related to an applicant or employee, or have a close personal relationship outside work with him or her.

13.2 Additionally, employees who work together can be in a personal relationship. Whilst such relationships seldom interfere with work, there is potential for a conflict of interest, breach of confidentiality, or fraudulent activity to occur.

13.3 Where such a personal relationship exists or develops between employees who either work together in the same area or where one employee is in a position of authority, the individuals must declare their relationship in confidence to their line managers, where there is the potential for a conflict of interest to arise. This is intended for the long-term protection of both parties.

13.4 A meeting with each employee and their line manager will be held to determine whether there is a potential or actual conflict of interest involved and if so, to determine what, if any, steps may need to be taken, to mitigate any risk.

13.5 All employees involved in recruitment and selection on behalf of the Council must be familiar with, and abide by, the '[Recruitment and Selection procedure](#)' and observe the Council's '[Equal Opportunities Policy](#)' available from your line manager.

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14 **Business Integrity**

Legal & Regulatory Compliance

14.1 You are required to comply with all applicable legal requirements and regulations relevant to the work you undertake. These can include compliance with externally set registration requirements and professional standards of conduct.

Bribery, Gifts and Hospitality

- 14.2 The Council does not tolerate bribery of any kind.
- 14.3 Bribery occurs when you offer, pay, seek or accept a payment, gift, offer of hospitality or favour to influence a business outcome. Bribery and corruption can be direct or indirect through third parties.
- 14.4 Similarly, if a person with whom you have a close personal relationship or a personal contact receives a payment, gift, offer of hospitality or favour from a contractor, client or partner organisation of the Council, this could be perceived as being capable of influencing your actions, and may be perceived as constituting a bribe.
- 14.5 You, or a person you have a close relationship with, or a personal contact should never accept or offer a bribe or any form of inducement which may influence or appear to influence your actions.
- 14.6 In certain limited circumstances, and in connection with your official duties, it may be appropriate for you to offer or receive hospitality, gifts of limited value or small tokens of gratitude.
- 14.7 Advice should be sought from your manager on the appropriateness of offering or accepting such hospitality or gifts. You should not accept a gift unless you can be satisfied that to do so would not lead to your actions as a local government employee being called into legitimate question.
- 14.8 If you are in any doubt about what you should and should not accept, you should seek advice from your line manager. Hospitality and gifts received should be recorded in the register of gifts and hospitality, in accordance with departmental arrangements.
- 14.9 You are liable to disciplinary action including dismissal, legal proceedings and possibly imprisonment if you are involved in bribery and corruption.
- 14.10 Even turning a blind eye to your suspicions of bribery and corruption can result in liability for the Council and for you personally. You should raise any concerns as soon as possible if you believe or suspect that bribery or corruption is occurring.

Further guidance can be found in the Council's Anti-Bribery Policy and Procedure.

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15 Benefiting from a will or bequest

- 15.1 Under this policy, anything left to you in the will of a service user is considered to be a gift. These are also known as bequests. In certain circumstances, it may be acceptable for this to happen.
- 15.2 If you are named as a beneficiary in the will of a service user, you must declare this to your manager as soon as you become aware of this.

- 15.3 Failure to declare this information immediately may lead to disciplinary action. If you are aware that there may be a possibility that you will be named as a beneficiary in a will in the future, you must disclose this information to your manager.
- 15.4 Each case will be investigated for evidence of coercion or behaviour designed to obtain favourable treatment. A decision on each case will be made by the appropriate Chief officer and your manager will advise you of the outcome of these investigations.
- 15.5 If there is evidence of coercion or behaviour designed to obtain favourable treatment on your part, this will lead to disciplinary action up to and including dismissal.
- 15.6 If, prior to a decision being made, you choose to accept the bequest, this may lead to disciplinary action up to and including dismissal.
- 15.7 Where approval is given for you to accept a bequest, all bequests received should be recorded in the departmental register of gifts and hospitality.

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16 Media Contact

- 16.1 You should only have contact with the media in the course of your employment where this has been approved in advance.
- 16.2 Contact from the media should, in the first instance, be referred to the communications service.
- 16.3 If an aspect of your work requires contact with the media to be made, you should, in the first instance, contact the communications service.

17 Use of Social Media

- 17.1 'Social media' is the term commonly given to websites and online tools that allow users to share content, express opinions or interact with each other easily.
- 17.2 Some common examples include: blogs, wikis, social networks (e.g. Facebook, Twitter, and LinkedIn), forums, Podcasts and content communities (e.g. YouTube, Flickr, Knowledge Hub, external Communities of Practice). Personal emails are classed as social media. This list is not exhaustive.
- 17.3 You must not use social media, whether for work or on a personal basis, to publish content that may result in legal action being taken against the Council. This includes any comments or views that may be considered defamatory in nature. This also includes publishing or sharing illegal materials, prohibited images, or material that promotes discrimination / or is in breach of discrimination legislation.
- 17.4 You must not identify other Council employees or service users or publish personal data or information about any individuals without their explicit written

permission, or publish any information that is not yet in the public arena unless authorised to do so.

- 17.5 You must not publish any comments or information that may undermine public confidence in the Council, or act in any way that may bring the Council into disrepute.
- 17.6 The Council has specific policies governing this subject such as the ICT Acceptable Use Policy. You have a responsibility to familiarise yourself with these policies. Further information is available on the Orb or through your line manager.
- 17.7 Misuse of social media may lead to disciplinary action and in certain cases constitute a criminal offence.

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18 Employees as Constituents

Public Statements / Complaints to Councillors

- 18.1 Criticism of ideas and opinion is part of democratic debate. As such, the Council may seek the views of the citizens of Edinburgh on proposals or policy through the use of public consultation processes. If you are both a citizen and employee of the City of Edinburgh Council, then the potential for a conflict of interest can occur.
- 18.2 Whilst participation in local democratic debate as a citizen is to be encouraged, you should ensure that you do this in your own time and that your participation does not impact on or conflict with the role you do with the Council. For example, it may be appropriate for you as a citizen to participate in a Council meeting as part of a deputation, or to attend a Councillor's surgery, as long as the issue under debate is unrelated to the role you do with the Council, and you attend in your own time.
- 18.3 Particular care must be taken to avoid situations where your personal views could be perceived as representing the Council's position.
- 18.4 Within this context, you should not release information that is not yet in the public arena, or promote viewpoints that may undermine public confidence in the Council.
- 18.5 In your capacity as an employee, you should not criticise the Council either through any form of media, at a public meeting, in any written communication with members of the public or in any other context likely to cause harm to the Council's reputation.
- 18.6 If you have a complaint about Council services, you are entitled to raise this with your local Councillor. However, if your complaint concerns any aspect of the service you work for or your role or the work you do with the Council, you should instead raise the issue with your line manager and/ or use the Council's Grievance Procedure.

- 18.7 If you are in any doubt about what actions you can or cannot take in this context, you should seek advice from your line manager.

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19 Working Relationships

The Public

- 19.1 The way we treat our customers matters because they may judge us on a single experience. If that experience is poor, it affects the way they see us. To our customers, **you** are the Council.
- 19.2 Providing good service is a priority. Even when we are telling the customer something that they don't want to hear, we can do it in a way that makes them feel valued.
- 19.3 We expect you to comply with the [Council's Customer Care Charter](#), available from your line manager. You have a responsibility to familiarise yourself with this Charter and the standards it sets out.

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Councillors

- 19.4 Mutual respect between Councillors and employees is essential to good local government. However, close personal familiarity between employees and Councillors can damage the relationship and should therefore be avoided.
- 19.5 Employees must serve all Councillors and not just those of the Administration. If you are required to advise political groups you must do so impartially in order not to compromise your political neutrality.
- 19.6 You must not allow your own personal or political opinions to influence or interfere with your work.
- 19.7 Further guidance can be found in the [Council's Member / Officer Relations Protocol](#) available from your line manager.

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Politically Restricted Posts

- 19.8 Certain posts are "politically restricted" which means that individuals who hold them are prevented from having any active political role either inside or outside the workplace. Postholders in these posts cannot:
- stand for or hold an elected office (i.e. MP, MSP, MEP, Councillor etc) whilst retaining their post within the Council;
 - participate in political activities, publicly express support for a political party or undertake other activities such as canvassing on behalf of a person who is seeking to be a candidate; and

- speak to the public at large or publish any written or artistic work that could give the impression that they are advocating support for, or are an authorised representative of, a political party.

Politically restricted posts include specified posts detailed in the legislation as well as those who give advice on a regular basis to the Council and posts involving regular contact with the media.

Contractors

- 19.9 If you, a member of your family or a personal contact have an interest with a contractor or potential contractor, then you must declare this as detailed in section 12 above (Conflict of Interest).
- 19.10 Orders and contracts must be awarded on merit, by fair competition and without unfair discrimination. If you are involved in a tendering process, or if you are an employee who has both a 'client' and 'contractor' responsibility in the tendering process, you must follow the Council's procedures and rules about tenders and contracts.
- 19.11 If you have access to confidential information on tenders or costs for either internal or external contractors, you must not disclose that information to any unauthorised individual or organisation.

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20 Secondary Employment

- 20.1 The Council recognises that employees may wish to undertake secondary employment.
- 20.2 For the purposes of this Code, secondary employment includes: secondary employment within the Council itself, engaging in work on a voluntary, fee-paying or recognition-in-kind basis, self-employment, or engaging in any other business activity.
- 20.3 If your salary grade is Grade 8 or above, you are not permitted to undertake other employment without the written approval of your Director.
- 20.4 If your salary grade is Grade 7 or below, then you must notify your manager of any secondary employment that you undertake or intend to undertake.
- 20.5 Where there may be a conflict of interest, or the possibility of an adverse effect on your work, or it is otherwise likely to impact adversely on the work of the Council, then such secondary employment will not be permitted.
- 20.6 Employee appointments as Councillors to other local authorities, membership of the Territorial Army, appointment as a Justice of the Peace etc, do NOT constitute secondary employment.
- 20.7 The Council expects that an employee's total working time should not exceed an average of 48 hours per week, taking into account any other jobs with the Council and other secondary employment. To enable the Council to monitor

the hours worked and to comply with the Working Time Regulations, you will be required to disclose your total working hours.

- 20.8 You are not allowed to undertake any secondary employment at your place of work or on any council property, or use Council equipment in undertaking secondary employment.
- 20.9 Communications (including the use of personal emails accounts/ social media) or the conduct of any business activity relating to secondary employment are not permitted during working hours.

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21 Review

- 21.1 The Code will be reviewed by the Head of HR periodically, to reflect organisational changes, best practice, operational experience and legislative updates, in order to maintain its effectiveness.

22 Local Agreement

- 22.1 This document is a local collective agreement between the Council and the recognised trade unions. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of a failure to reach agreement both parties reserve the right to terminate this local agreement by giving four months notice in writing. In such circumstances, the terms of the local agreement will cease to apply to existing and future employees.

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The Seven Principles of Public Life

Selflessness	You should not take decisions which will result in any financial or other benefit to yourself, your family or your friends. Decisions should be based solely on the Council's best interests, which will reflect the best interests of the communities it serves.
Integrity	You should not place yourself under any financial or other obligation to an individual or an organisation which might influence you in your work with the Council.
Objectivity	Any decisions that you make in the course of your work with the Council, including making appointments, awarding contracts, or recommending individuals for rewards or benefits, must be based solely on merit.
Accountability	You are accountable to the Council as your employer. The Council, in turn, is accountable to the public.
Openness	You should be as open as possible in all decisions and actions that you take. You should give reasons for your decisions and should not restrict information unless this is clearly required by Council policy or by the law.
Honesty	You have a duty to declare any private interests which might affect your work with the Council.
Leadership	If you are a manager, you should promote and support these principles by your leadership and example.

Appendix 2

Conflict of Interest Declaration Form	
<p>As an employee of the City of Edinburgh Council you are required to complete this form if you consider that you, a family member, or a personal contact, has a private, personal or financial interests or involvement in outside activities, which may relate to your work with the Council and could result in a perceived or actual conflict of interest.</p>	
Section 1: Personal Details	
Name:	
Job Title:	Pay Number:
Service:	Workplace:
Section 2: Type of Interest (please tick as appropriate)	
Financial (you) [<input type="checkbox"/>]	Financial (family member) [<input type="checkbox"/>]
Financial (personal contact) [<input type="checkbox"/>]	Membership of Organisation/Club [<input type="checkbox"/>]
Other (Please explain) [<input type="checkbox"/>]	
Section 3: Explanation of Potential Conflict	
<p>Please provide as much detail as possible and explain why you consider this is or could be interpreted as a conflict of interest (continue on a separate page if necessary).</p>	

Declaration

I confirm that the above information is accurate and contains all the relevant details.

I have read the Code of Conduct and agree to comply the terms detailed in it.

Signature:

Date:

Section 4: Manager Details

Name:

Job Title:

Pay Number:

Service:

Workplace:

Section 5: Action Taken (for completion by manager)

Please explain the action you have taken in light of the information provided:

Declaration

I confirm that the above information is accurate and contains all relevant details.

I confirm I have notified the employee concerned of any further action that s/he must undertake.

Signature:

Date: