

Police, Fire and Crime Commissioner for Cumbria

Delivering to the Public



Peter McCall

OPFCC STAFF CODE OF CONDUCT

Document control

This policy applies to all employees of the Office of the Police, Fire and Crime Commissioner for Cumbria.

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1 Introduction

- 1.1 The Office of the Police, Fire and Crime Commissioner for Cumbria (OPFCC) recognises the importance of having a clear Code of Conduct for all employees. The OPFCC has approved this Policy in consultation with Trade Unions and staff.
- 1.2 This document forms part of the contract of employment and employees are required to comply with its contents. Failure to do so may result in disciplinary action, which could include dismissal.

2 Aims

- 2.1 To provide employees with a clear Code of Conduct to follow when carrying out the duties of their role.
- 2.2 This Code of Conduct is based upon the model Code of Conduct for Local Government Employees and incorporates the principles arising from the Nolan Report. It provides a framework for all employees in terms of official conduct and should be read in conjunction with other relevant policies and procedures.

3 Scope

- 3.1 This Code of Conduct will be applied to all staff employed by the OPFCC.

4 Approval

- 4.1 The OPFCC Executive team is responsible for the approval of this policy.

5 Guiding principles

- 5.1 **Legal obligations:** the OPFCC acknowledges that it must comply with the law.
- 5.2 **Equal opportunities:** the OPFCC is firmly committed to equal opportunities for all employees and will comply with all relevant legislation. The OPFCC will ensure the promotion of equality in all aspects of its operation. The OPFCC commits to consistency of treatment and fairness in the application of its Code of Conduct.
- 5.3 **Commitment to employees:** the OPFCC recognises that its employees are their most important asset and values their commitment, support and goodwill. The OPFCC provides a Code of Conduct to ensure that employees understand the expectations of them in carrying out the duties of their role and fulfilling their contract of employment.

6 Responsibilities

- 6.1 Managers are responsible for ensuring that:
 - Employees are aware of and understand the Code of Conduct and carry out their duties and responsibilities in accordance with it.
- 6.2 Employees are responsible for ensuring that:
 - They understand and commit to the expectations of carrying out their duties and responsibilities in accordance with the OPFCC's Code of Conduct.

7 Guidance on Standards of Professional Behaviour

- 7.1 Public confidence in the OPFCC is crucial and employees are expected to demonstrate the highest level of personal and professional standards of behaviour. The standards set out below reflect the expectations that the OPFCC have of how employees should behave. They are not intended to describe every situation but rather to set a framework which everyone can easily understand. They enable everybody to know what type of conduct is acceptable and what is unacceptable. The OPFCC also expects staff to abide by the College of Policing Code of Ethics.
- 7.2 Public confidence is an essential element to the success of the Police, Fire and Crime Commissioner and the OPFCC. They have an expectation that OPFCC employees will conduct themselves to the highest standard and where it is part of their duties will provide impartial and appropriate advice.
- 7.3 Employees have the right to a working environment free of harassment or discrimination from others within the service.
- 7.4 In carrying out their role, employees have the right to receive the full support of the OPFCC. The OPFCC has a responsibility to keep employees informed of changes to legislation, police regulations, local policies, laws and procedures. Employees have a duty to keep themselves up to date on the basis of the information provided.

8 Honesty and Integrity

- 8.1 Employees should be honest, act with integrity and not compromise or abuse their position. They should also be open and truthful in their dealings with the public and their colleagues, so that confidence in the OPFCC is secured and maintained.
- 8.2 Employees should neither solicit nor accept the offer of any gift, gratuity or hospitality that could compromise their impartiality. Employees should always consider carefully the motivation behind such an offer and any risk of being seen or perceived to be improperly beholden to a person or an organisation.
- 8.3 During the course of their duties employees may be offered light or inexpensive refreshments and this may be acceptable as part of their role. It is not anticipated that inexpensive or trivial gifts would compromise the integrity of an employee, such as those from conferences (e.g. promotional products) or discounts aimed at the entire OPFCC (e.g. advertised discounts). All gifts, gratuities and hospitality other than those mentioned above must be declared, if over the value of £10. If an employee is in any doubt over the propriety of such an offer, they should seek advice from their Manager and/or reference the Anti-Fraud and Corruption arrangements document.
- 8.4 Where the OPFCC sponsors an event or service, an employee, or any partner, spouse or relative must not benefit from the sponsorship. Employees must seek guidance from their manager if they are involved with any event or service that the OPFCC proposes to sponsor.

9 Equality and Diversity

- 9.1 Employees are expected to act with fairness and impartiality. Employees should not discriminate unlawfully or unfairly and carry out their duties with fairness and impartiality and in accordance with current equality legislation, policies and procedures.
- 9.2 Employees should not harass or bully colleagues or members of the public. Employees should use appropriate language and behaviour in their dealings with their colleagues and the public, and not use any language or behave in a way that is offensive or is likely to cause offence.
- 9.3 Employees need to retain the confidence of all communities and therefore respect all individuals and their traditions, beliefs and lifestyles provided that such are compatible with the rule of law.
- 9.4 Employees must pay due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different groups.

10 Duties and Responsibilities

- 10.1 Employees are expected to be diligent in the exercise of their duties and responsibilities in accordance with their Contract of Employment. Employees should understand and perform to the expectations of their role as outlined in their job description.

11 Learning and Development

- 11.1 Employees are obliged to participate in relevant learning and development.
- 11.2 Learning opportunities are provided to employees to develop their skills and knowledge necessary to perform the job and to enhance the delivery of services. Employees should seek feedback on their work performance and reasonably engage in any plans for improving work performance.

12 Health, Safety and Well-Being

- 12.1 All employees have a personal and legal responsibility under the Health and Safety at Work Act 1974 for themselves, colleagues and visitors to the OPFCC's buildings and premises. Employees must look after the health and safety of themselves and others who may be affected by their actions or failure to carry out certain actions at work.
- 12.2 Employees must co-operate with their manager, attend training sessions and carry out reasonable instructions.

13 Dress Code

- 13.1 The OPFCC does not operate a formal dress code for its employees, other than for those who are provided with uniform and/or protective clothing. However, employees must ensure that their dress is appropriate for the situation in which they are working and that they present a professional image and one that reflects sensitivity to customer perceptions. This may reflect their ethnicity and lifestyle, but should not be provocative or cause offence to those with whom they have contact.

14 Political, Professional and Trade Union Activity

- 14.1 Employees should ensure that their right to engage in political or professional activities does not result in an actual or perceived conflict of interest with their duties with the OPFCC. Employees should ensure that they are able, and be seen to be able, to remain unbiased in the performance of those duties.
- 14.2 If an employee is a member of a profession, they are expected to uphold the standards of performance and conduct set by the relevant professional association and this Code of Conduct.
- 14.3 If an employee is a representative of a trade union or professional association, they should ensure that when making a public comment, it is clear that comment is made on behalf of the union or association represented and not the OPFCC.

15 Social Networking Websites

- 15.1 Employees must not access social networking websites for personal use (i.e. non- job related use) during work time on either their work computer or work mobile telephone.
- 15.2 Access to some journals, blogs and social networking sites is permitted during work time for the purposes of undertaking job related duties only. Employees must act in the best interests of the OPFCC and not disclose personal data or information about any individual including colleagues, partner organisations or members of the public. This includes images. Access may be withdrawn and disciplinary action taken if there is a breach of confidentiality or defamatory remarks are made about the OPFCC, staff, partner organisations or members of the public.
- 15.3 The OPFCC respects an employee's private life. However, it must also ensure that confidentiality and its reputation are protected. Employees using social networking websites in their private life must refrain from identifying themselves as working for the OPFCC, in a way which has, or may have, the effect of bringing the OPFCC into disrepute.
- 15.4 Employees must not identify other employees, associates of the OPFCC or members of the public without their consent.
- 15.5 Employees must not make any defamatory remarks about the OPFCC, its employees, partner organisations or members of the public, or conduct themselves in a way that is detrimental to the OPFCC.

16 Confidentiality

- 16.1 The OPFCC shares information with other agencies and the public as part of its legitimate business. Employees must never access or disclose any information that is not in the proper course of their duties and do not access information for personal reasons. Employees who are unsure if they should access or disclose information should always consult with their Manager before accessing or disclosing it.
- 16.2 Employees should not provide information to third parties who are not entitled to it. This includes for example, requests from family or friends, approaches by private investigators and unauthorised disclosure to the media.

- 16.3 Employees must observe the provisions of Data Protection legislation and the Freedom of Information Act 2000. All staff are required to undertake initial Information Management training and refresher training on an annual basis.
- 16.4 Breach of confidentiality may be considered to be a disciplinary offence, which could result in dismissal.
- 16.5 Any data breaches should be reported to a line manager in the first instance and the Joint Data Protection Officer. The nature of the breach and the information disclosed will then be considered as to whether the breach should be reported to the Information Commissioner's Office. The Personal Data Breach Reporting Guidance provides further guidance for staff.
- 16.6 When an employee leaves employment with the OPFCC, they must still respect the confidentiality of official information that may have been available to them in the course of their duties and not use this information for private, commercial or political gain.

17 Intellectual Property

- 17.1 Intellectual property is a legal term that refers to the rights and obligations received and granted, including copyright.
- 17.2 Ownership of intellectual property is determined by considering the circumstances in which it was conceived and developed. The OPFCC owns the copyright in material made by, or under its direction. The material produced by an employee in the course of their work belongs to the OPFCC, unless otherwise explicitly provided for in the contract of employment.

18 Fitness for work

- 18.1 Employees are expected to be physically and mentally fit when they attend work to carry out their duties and responsibilities. Employees should not make themselves unfit or impaired for duty as a result of drinking alcohol, using an illegal drug or using a substance for non-medical purposes or intentionally misusing a prescription drug.
- 18.2 Employees who have a drink or drugs misuse problem will be supported if they demonstrate an intention to address the problem and take steps to overcome it. However, the use of illegal drugs will not be condoned.
- 18.3 Employees who are aware of any health concerns that may impair their ability to perform their duties should seek guidance from an occupational health adviser and, if appropriate, reasonable adjustments can be made.
- 18.4 Employees must comply with the OPFCC's rules regarding attendance, timekeeping and absence.

19 Grievances

- 19.1 If an employee has a concern or grievance in relation to certain aspects of their employment then they can use the Grievance Policy. This provides an opportunity to formally lodge a grievance that has not been resolved through informal means. Any employee who submits a grievance in good faith will not suffer any adverse consequences as a result of submitting the grievance.

20 Dealing with the OPFCC Funds (including Contracts and Tendering)

- 20.1 All employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. Employees should strive to ensure value for money and avoid legal challenge to the OPFCC.
- 20.2 Where an employee has responsibility for budgets and/or purchasing, they must ensure that they understand and comply with the OPFCC's financial regulations.
- 20.3 Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the OPFCC. Where a member of staff is required to meet with potential suppliers of services, they should make an entry in the OPFCC Contact with Suppliers log as soon as possible and within one month of the meeting. This is to ensure openness and transparency.
- 20.4 Employees must declare any financial interest, whether direct or indirect, that they or their partner/family member may have in any contract or proposed contract with the OPFCC (see paragraph 23.2 below).
- 20.5 Employees should also consider declaring non-financial interests, for example, where they do voluntary work for an organisation within their Register of Interests form and have their line manager countersign the update. Where an employee is in any doubt then they should make a declaration.

21 Conflict of Interest

- 21.1 If a conflict occurs between an employee's private interests and public duties they must resolve the conflict in favour of their public duties.
- 21.2 An employee must advise their manager in writing of any personal or family private interests that may give rise to a conflict of interest with their official duties, particularly if they are involved in making decisions affecting contracting, tendering or regulatory functions.
- 21.3 Employees involved in appointments should ensure that these are made on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in any stages of the selection and recruitment process where they are related to, or have a close personal friendship/relationship, with an applicant. If approached or canvassed by an applicant the employee should report the approach to their line manager who will liaise with the Chief Executive as to the appropriate action to be taken.

22 Discreditable Conduct

- 22.1 Employees should behave in a manner which does not discredit the OPFCC or undermine public confidence.
- 22.2 Employees should report if they are arrested by the police or another law enforcement agency or there is any action taken against them for a criminal offence, conditions imposed by a court or the receipt of any penalty notice. Employees must also report as soon as reasonably practicable all convictions and sentences and conditions imposed by any court, whether criminal or civil (excluding matrimonial proceedings, but including non-molestation orders or

occupation orders). 'Conditions imposed by a court' would include, for example, orders to deal with anti-social behaviour, a restraining order, a bind-over, or disqualification from driving.

- 22.3 Employees should not consume alcohol when on duty, unless specifically authorised to do so.
- 22.4 Employees should not accept bribes. Under the Bribery Act 2010, a bribe is a 'financial or other advantage' offered, promised or given to induce a person to perform a relevant function or activity improperly, or to reward them for doing so. Small payments made to government officials or others to make something happen, or happen sooner (commonly called facilitation payments), are likely to be bribes and unlawful under the Act. Under the Bribery Act, individuals can be prosecuted for accepting bribes or offering bribes. In addition, the OPFCC can be prosecuted for failing to prevent bribery committed to obtain or retain business or a business advantage for the OPFCC by an employee or other individual or organisation performing services for the OPFCC.

23 Challenging and Reporting Improper Conduct

- 23.1 Employees should report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour expected.
- 23.2 Where an employee doesn't feel that they can challenge a colleague directly, they should report their concerns to their Line Manager. Where the individual is their line manager this should be reported to a member of the OPFCC Executive Team.

24 Whistleblowing and breaches of the Code of Conduct

- 24.1 If an employee is concerned about any practice seen in the OPFCC which they think conflicts with the Code of Conduct, they should obtain advice from their manager.
- 24.2 The Public Interests Disclosures Act 1998 and the OPFCC's Anti-Fraud Policy can provide safeguards for employees who disclose unlawful and improper conduct including breaches of this Code.

25 Conduct Outside Working Time

- 25.1 Employees should avoid doing anything that might adversely affect the reputation of the OPFCC or bring the OPFCC into disrepute. Employees must not allow their personal interests to conflict with the OPFCC's requirements or use their position to improperly confer an advantage or disadvantage on any person. If an employee is unsure whether or how this may affect them they should speak to their manager.
- 25.2 If employees act contrary to advice provided by their manager about their conduct outside of work, they may be subject to disciplinary action.

26 Other Employment

- 26.1 Employees must ensure that any additional employment does not conflict with the interests of the OPFCC or affect their ability and credibility to do their job.
- 26.2 Employees must seek approval from their manager before engaging in any other secondary employment or self-employment.

26.3 OPFCC time and/or resources must not be utilised in connection with any approved additional employment or self-employment.

27 Use of OPFCC Property, Facilities and Equipment

27.1 OPFCC facilities are to be used for the OPFCC's business and for no other purpose unless an employee has permission beforehand to do so.

27.2 Reasonable personal use of telephones, photocopiers, computers and faxes is allowed provided employees have been authorised to do so by their manager.

27.3 No private work may be carried out in the OPFCC's time, or on the OPFCC's premises or with the use of the OPFCC's equipment.

27.4 The OPFCC allows reasonable, non-official use of internet and email, as long as individual or service performance is not compromised or adversely affected as a result. Managers can provide clarification as to what constitutes reasonable, non-official use. However, as a general rule, such use should be restricted to outside of working hours, during lunch breaks etc.

28 Monitoring, evaluation and review

28.1 The OPFCC will review the Code of Conduct every two years. The Code will be revised as required to reflect any changes in regulation and statutory guidance.



CODES OF CONDUCT UNDERTAKING

I,as a Member of staff of Cumbria Office of the Police, Fire and Crime Commissioner, declare that I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability and within codes adopted by the OPFCC.

I undertake to observe and comply with the model Code of Conduct (1) expected from members of staff, as adopted by the OPFCC; of which I am supplied with a copy.

I confirm receipt of a form for notification by a member of staff of their financial and other interests under which I will complete and return to the Monitoring Officer for entry in the OPFCC's Register. I undertake to update the Monitoring Officer on any changes to those notifiable interests.

I further undertake to observe and stand by the Anti-Discrimination Code of Conduct adopted by the OPFCC for its members and staff, of which I am also supplied with a copy.

I finally undertake to abide by the principles of the Commissioner-Officer Protocol adopted by the OPFCC, of which I am additionally supplied with a copy.

Signed Date

This undertaking was made and signed before me

Signed Date

Monitoring Officer