

Code of Conduct for Employees

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Head of Human Resources
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1 Purpose of this Code

- 1.1 All staff working for the Commission must commit to this code of practice which encompasses our vision and values, equality and diversity and the standards of conduct we expect all staff to adhere to. All staff should familiarise themselves with this code and act in accordance with it.

2 Vision

- 2.1 Our vision for the development of this organisation is:

“to provide a high quality and efficient service, accessible to all, that remedies injustice for individuals and maximises the value of our investigations to make public services better.”

3 The Commission’s Values

- 3.1 All staff are expected to observe high standards of personal conduct while at work and are required to support and adhere to the following values.

- 3.2 In the provision of our service we strive to:

- be independent, fair and consistent, and take full account of what people tell us;
- get to the truth and report accurately, promptly and in plain language;
- explain fully the reasons for our decisions;
- **treat people equitably, according to their needs and the principles of equality and diversity legislation.**

- 3.3 In employment we strive to:

- train and develop individuals so that they make their best possible contribution;
- encourage team work, work ownership, innovation and creativity; and recognise success;
- provide good and safe working conditions;
- provide **equality of opportunity**.

- 3.4 As a responsible public organisation we strive to:

- improve our work continuously;
- provide value for money;
- take account of the effect on the environment in the way we work
- have good working relationships with our suppliers to maintain and improve our services.

4 Equality and Diversity

- 4.1 We expect all staff to promote equality and diversity in their actions and behaviours and to treat others with respect and dignity. We will not tolerate discrimination, harassment or bullying against any employee, former employee or client on the grounds of colour, race, national or ethnic origin, gender reassignment, nationality, marital or civil partnership status, pregnancy and maternity leave, age, disability, sex, sexual orientation, religion or belief, nor on the grounds of their (non) membership of a union nor because of their employment status, for example part time, fixed term or casual workers. We aim to ensure that no employee; job applicant or client receives less favourable treatment on any of these grounds.
- 4.2 All members of staff should feel confident in challenging inappropriate behaviour which breaches our values, equality and diversity policy, our rules or our responsibilities under the law. There is detailed guidance on 'whistleblowing' in the intranet documentation scheme.

5 Conduct

- 5.1 Staff are required to actively support the vision and values of the commission and to demonstrate a high standard of professional conduct in the way they perform their job and in the way they deal with others, using due diligence, timeliness, accuracy and respect.
- 5.2 Staff must act in accordance with the law and must not encourage, assist or collude with others who may be engaged in unlawful conduct. They must not act or speak in a way which would be likely to damage the Commission's reputation for independence, integrity and impartiality.

6 Complaints

- 6.1 Complaints made by external organisations or clients will be dealt with through the Commission's complaints procedure ([Appendix 1](#)).
- 6.2 Complaints made by a member of staff should be made using the grievance procedure, or other appropriate procedure. All complaints will be taken seriously and investigated. Misconduct will be considered a disciplinary matter, this is detailed within the Commission's disciplinary procedure.

7 Confidentiality

- 7.1 Staff must respect the legitimate needs and requirements for confidentiality during your employment with the Commission and to maintain such confidentiality after leaving the organisation.

8 Conflicts of interest

8.1 Membership of bodies within jurisdiction

- 8.1.1 The Commission has a reputation for impartiality and independence. It is very important to our work that this is protected. Our legislation precludes the Ombudsmen from serving on any body within jurisdiction. Investigative staff have delegated authority to take decisions on behalf of the Ombudsmen.
- 8.1.2 The Commission has therefore decided that *membership by certain postholders of an authority subject to investigation by the Commission is inappropriate. Accordingly, staff in posts on the 'restricted list' must resign from their posts if they become a member of a body which falls within jurisdiction. This restriction does not apply to membership of school governing bodies which are admissions authorities.* (Terms and Conditions of Service, Point 30)
- 8.1.3 All new recruits to posts on the 'restricted list' within the Commission are told that resignation from membership of such bodies will be a condition for appointment.
- 8.1.4 The posts on the 'restricted list' are:
- deputy ombudsmen and the deputy chief executive
 - assistant ombudsmen
 - the head of policy and research
 - investigators
 - customer advice service staff

8.2 Working for other organisations on a voluntary or paid basis

- 8.2.1 *The Commission does not wish to prevent staff taking work – paid or voluntary – outside their duties with the Commission, provided that outside work does not harm or conflict with the work of the Commission. Staff must tell the deputy ombudsman or deputy chief executive, in confidence, and before making any commitment of any outside work (excluding purely temporary work but including public service eg as a JP or a school governor) in which they wish to engage. The Commission reserves the right to instruct any member of staff not to do outside work which it considers harmful to its interests. 'Harmful' in this context includes outside work which could give the appearance of a conflict of interest in the investigation of a complaint or which would, in the Commission's view, have a negative impact on the individual's ability to perform effectively within their job.* (Terms and Conditions of Service, Para 31)
- 8.2.2 The Commission has decided that it would be harmful to its interest for a Deputy to participate in any party political activity.

8.3 Conflicts of interest arising in other circumstances

- 8.3.1 *Staff are required to make known to their line manager any personal interest which may affect their ability to deal with a particular complaint.* (Terms and Conditions of Service, Para 32)

8.3.2 This would include for staff on the 'restricted list':

- Complaints against an authority of which they have previously been a member or by which they have been employed within the last five years.
- Complaints against an authority in the area of which they take part in party political activity.
- Complaints against an authority in whose area they live and where the outcome of the complaint could have an impact on them.
- Complaints against an authority in which they might reasonably be thought to have a personal interest which might influence their handling of the complaint because, for example, of friendship, family relationship or other personal involvement with members or officers of the authority.
- Complaints made by relations or friends or associates, such as fellow freemasons.
- Complaints concerning a school of which they are a governor.

8.3.3 Unless expressly authorised to do so by the Ombudsman or a Deputy, staff on the restricted list should take no part in the handling of any complaint in which they have a personal interest. In cases where the interest arises because the member of staff is a school governor then staff on the restricted list should take no part in the handling of any complaints about the admissions decisions of that governing body and its appeal panel and of any governing body or appeal panel(s) in the area of the local education authority in which the school of which the member of staff is a governor is located. And, in the case of staff who are governors of religious schools, they are disbarred from handling complaints about religious schools within the same diocese (or other religious administrative area).

8.3.4 Where the member of staff is an assistant ombudsman, the complaint will be allocated to another subteam. Where the member of staff is a Deputy, arrangements will be made to ensure that the Deputy takes no part in the consideration of the complaint.

8.3.5 Where the interest is in an individual complaint, the declaration of interest should be recorded on the complaint file. Where the member of staff has an interest in all complaints about one or more authorities, a record should be kept on the staff member's personal file.

8.4 Conflicts of interest involving work relationships

8.4.1 **Where staff work with colleagues to whom they are related or are involved in a personal relationship, and a potential conflict of interest arises, the individuals have a duty to advise their manager of this. Their Manager will carry out a risk assessment and action should be taken to remove or minimise any risks.**

9 Financial probity

9.1 Corruption

9.1.1 The Prevention of Corruption Acts prohibit staff from soliciting or receiving any gift, hospitality or consideration of any kind from contractors or their agents, or from any organisation, firm or individual as an inducement or reward for:

- doing or refraining from doing anything in their official capacity;
- showing favour or disfavour to any person in their official capacity.

Any breach of the provisions of these Acts renders staff liable not only to dismissal, but to prosecution under the Acts.

9.2 Management of Commission resources

9.2.1 Staff must ensure that they use the resources entrusted to them in a proper and lawful manner. They should strive to ensure value for money to the Commission. They should exercise effective control over these resources and do their best to prevent fraud and aid its detection.

9.3 Contracts for goods and services

9.3.1 Staff should not use their position to seek special favour for current or recent former employees or their partners, close relatives or associates through the award of contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

9.3.2 If there is a possibility that a member of staff has a financial or non-financial interest arising from his or her connection with a firm which is quoting to supply goods or services to the Commission, the member of staff should disclose this and take no part in specifying the work or selecting the contractor.

9.3.3 A member of staff should immediately declare to his or her line manager if, during the course of the letting of a contract an unforeseen interest arises. The manager will decide the most appropriate course of action; at a minimum he or she will require the member of staff to take no further part in the letting of the contract and may decide that the selection process should be re-run.

9.3.4 Staff responsible for letting contracts should not let a contract for services to a contractor where they are aware that a conflict of interest with a member of staff will occur in the carrying out of that contract.

9.3.5 Declaration of interest shall be considered during the planning of the procurement process.

9.4 Use of Commission facilities and equipment

9.4.1 The Commission's property should not be used by employees for private purposes. In exceptional circumstances permission may be sought from the appropriate manager and arrangements agreed for reimbursement of any costs to the Commission.

- 9.4.2 **Staff should not make or receive personal calls at work unless it is an emergency or to make or change an appointment, full details of the rules on using Commission phones is detailed within the Financial Regulations, Section 62.1.1. Staff may only use the Commission's internet facilities for work relating to the organisation's business or for authorised study. Some personal use is allowed outside normal working hours (see Section 62.5.1 of the Financial Regulations). When using the internet or email, staff should adhere to the Internet and Email Policies detailed within the IT Manual.**

9.4.3 Misuse of Commission facilities may result in disciplinary action.

9.5 Receipt of Gifts

- 9.5.1 Gifts should normally be refused. Exceptionally there will be occasions when gifts are received or offered where it is impossible to refuse, or where refusal would cause offence (eg when a small presentation is made after a member of staff has given a talk, etc).
- 9.5.2 All such gifts, and any offers of gifts, even if they have been refused, must be reported to the appropriate Deputy. They will determine what is to be done with the gift or what action is to be taken on the offer. In deciding whether an exception should be made Deputies should consider whether the provider of the gift could expect material benefit to accrue.
- 9.5.3 Each Deputy will maintain a simple register giving details of gifts and offers, and the decision made as to their acceptance and disposal; the records will be inspected periodically by internal and external audit. In accordance with Government guidelines, receipt of diaries, pens and other promotional items (particularly those bearing a company logo) are not to be regarded as gifts or recorded in the register.
- 9.5.4 Deputies will use their discretion in deciding upon the disposal of gifts. In general Deputies will probably allow modest gifts, where refusal would have given offence, to be retained by staff members. Larger (valuable) gifts may be gifted to benefit a charity.
- 9.5.5 Deputies must declare any gifts or offers made to them to the Chairman who will determine what is to be done with the gift or what action is to be taken on the offer. All gifts must be recorded in the Office Register and if gifts of significant value are offered and refused, the Head of Finance and Estates must also be notified. The Head of Finance and Estates will, from time to time, inspect the Office Register used to record gifts.

9.6 Offers of hospitality

- 9.6.1 If a business meeting is held in the office of a supplier or contractor, modest hospitality can be accepted, just as the Commission would provide hospitality for a contractor or supplier attending a business meeting here. A business lunch with an approved contractor or provider of services, at which business is discussed, should be reported to the Deputy. Contractor/supplier/client events of a modest nature held during the duration of a contract may be attended to facilitate networking.

- 9.6.2 All other offers of hospitality from a supplier or contractor, whether existing or potential, should be refused whatever the circumstances with an appropriate explanation that this is the Commission's policy.

"In the case of staff involved in investigations, the council or the complainant may offer an investigator refreshment. It is reasonable to accept modest refreshment. Investigators should pay for a meal taken in a staff restaurant. If investigators take refreshment with either the complainant or members or officers of the council outside the complainant's home or off council premises, this should be limited to eg tea/coffee/biscuit, and the investigator should pay either the total bill, or for his or her share." [(Investigation Handbook)

List of associated documents

The Terms and Conditions of Service
The Equality and Diversity Policy
The Disciplinary, Grievance and Whistleblowing Procedures
The Fraud Policy
The Financial Instructions
The Financial Regulations

Appendix 1: Procedure for dealing with complaints about staff

1. A complaint about staff may be made in a variety of ways: in person, by telephone; or by fax, letter or email.

Note: Some people may need particular help to make a complaint about staff. For example, they may have a disability, or their first language may not be English (see guidance on special arrangements to help complainants).

2. If you are the member of staff dealing with the complaint, you should obtain details of the complaint from the complainant where these are not immediately apparent, and seek to identify what action the complainant is looking for.
3. You should then explore the possibility of settling the complaint 'on the spot' if the complaint is justified.
4. You should give the complainant the opportunity to talk to the line manager (in most cases the AO) of the person who is the subject of the complaint if this is sought by the complainant or if it seems likely to lead to settlement of the complaint.
5. If it proves possible to settle the complaint 'on the spot', you (or the line manager) should:
 - a. check that the complainant is fully satisfied;
 - b. make a note of the action taken and place it on the file relating to the issue giving rise to the complaint; and
 - c. confirm in writing to the complainant any significant action, to avoid any misunderstanding.
6. If it is not possible to settle the complaint 'on the spot', you should pass the file (or record) about the complaint **immediately** to the Deputy Ombudsman's PA who should:
 - a. record receipt of the complaint on the complaint summary;
 - b. pass the file containing the complaint to the Deputy Ombudsman; and
 - c. acknowledge receipt of the complaint within two working days of its receipt (SL024) and also send the complainant a copy of the leaflet How to complain about us.
7. The file should then be sent to the line manager of the member of staff who is the subject of the complaint. The line manager should give that member of staff a copy of the complaint, and ask for their comments.
8. The line manager should normally arrange for any investigation of the complaint which they consider necessary, for example discussion with the complainant, examination of relevant documents.
9. The line manager should produce a report or draft reply on the complaint and send it to the Deputy Ombudsman with a copy to the member of staff. The member of staff

may, if they wish, send their written comments to the Deputy Ombudsman. If the complaint alleges discrimination, the line manager should discuss with the Deputy Ombudsman whether to seek advice from the Commission's equal opportunities adviser; this advice should be sought if the allegation is of a particularly serious nature or if the person investigating the complaint has not dealt with a discrimination allegation recently.

10. The Deputy Ombudsman may decide that a meeting/interview is needed to discuss the complaint and the line manager's report/draft reply with the AO and/or member of staff concerned. The member of staff may, if they wish, be accompanied to the meeting/interview by a friend or trade union representative.

11. The Deputy Ombudsman will:

- a. consider whether further enquiries are necessary;
- b. if the complaint is justified, determine what action needs to be taken to put matters right, consulting the Ombudsman as appropriate in exceptional cases. The action could be one or more of the following:
 - an apology
 - an explanation
 - an assurance that the same thing will not happen again
 - action to put the matter right
 - financial compensation (see Compensation payments by the Commission);
- c. settle the terms and sign the reply to the complainant;
- d. decide whether any disciplinary action should be initiated;
- e. decide whether there are general lessons to be learnt from the complaint and, if there are, arrange for appropriate instructions to be given to those concerned. If the general lessons concern equal opportunities policies and practice, the Deputy Ombudsman will consider seeking views from the Equal Opportunities Standing Group (EOSG) on any proposed general action; and
- f. prepare a note about the investigation, interview and outcome of the complaint using the complaint record.

12. The Deputy Ombudsman's PA then:

- a. updates the *complaint summary* using the information on the *complaint record* and files them; and
- b. places a copy of the response on the file and sends the file to the AO.

13. If a reply cannot be sent to the complainant within 28 working days, a holding letter should be sent (SL025).

Complaints about Corporate Services

14. An internal complaint may be received about a member of Corporate Services staff. This might be about the way a customer has been treated, or a service provided, or an alleged failure to follow the Commission's policies and practices.
15. Where such a complaint is received, the procedure set out in paragraphs 1 to 12 above should be followed, adapted where necessary to take account of Corporate Services' organisation and administrative procedures. In particular, references to 'Deputy Ombudsman' and 'Ombudsman' should be taken to read 'Deputy Chief Executive' and 'Chairman' respectively; and references to 'AO' should be taken to mean the Head of Service of the section in corporate services which is the subject of the complaint.