

Tyne and Wear Fire and Rescue Authority Codes of Conduct

Part 5 – Codes of Conduct

The ten general principles of public life

The general principles governing your conduct under the Relevant Authorities (General Principles) Order 2001 are as follows:

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

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Duty to Uphold the Law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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A – Members’ Code of Conduct

Part 1 – General Provisions

- 1.--
- (1) This Code applies to you as a member of an authority.
 - (2) You should read this Code together with the general principles prescribed by the Secretary of State which are set out in the preamble to this Code.
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code--
“meeting” means any meeting of--
 - (a) the authority;
 - (b) -
 - (c) any of the authority’s or its committees, sub-committees, joint committees or joint sub-committees;“member” includes a co-opted member and an appointed member.
 - (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

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Scope

2. -- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you--
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority;
and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs (3)(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority--
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it

conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

- 3.--
- (1) You must treat others with respect.
 - (2) You must not--
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
 - (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
- 4.--
- You must not--
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where--
 - (i) you have the consent of a person authorised to give it;

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- (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is--
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority;or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You--
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority--
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code on Publicity made under the Local Government Act 1986.

- 7.-- (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by--
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

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Part 2 – Interests

Personal Interests

- 8.-- (1) You have a personal interest in any business of your authority where
- either--
- (a) it relates to or is likely to affect--
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a

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- remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of--
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b) a relevant person is--
- (a) a member of your family or any person with whom you have a close association; or

- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- 9.--
- (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
 - (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
 - (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
 - (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
 - (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need

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not disclose the sensitive information to that meeting.

(6) -

(7) -

Prejudicial interest generally

- 10.-- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business-
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of:
- (i) -
- (ii) -
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and

- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.-- You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where--
- (a) that business relates to a decision made (whether implemented or not) or action taken by another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.--
- (1) Subject to sub-paragraph (2), where you have a prejudicial interest of any business of your authority--
 - (a) you must withdraw from the room or chamber where a meeting considering the business is being held--
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained dispensation from your authority's standards committee.
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.

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- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 – The Register of Member’s Interests

- 13.--
- (1) Subject to paragraph 14, you must, within 28 days of--
 - (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), register in your authority’s register of members’ interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority’s monitoring officer.
 - (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority’s monitoring officer.

Sensitive Information

- 14.--
- (1) Where you consider that the information relating to any of your personal interest is sensitive information, and your authority’s monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
 - (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority’s monitoring officer asking that the information be included in your authority’s register of members’ interests.

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- (3) In this Code, “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

B – Employees’ Code of Conduct

1. Objectives

- 1.1 The Authority values the commitment and contribution of its people. It recognises that it is important to have systems and procedures in place which can identify areas where support and guidance may be required, to ensure that the community we serve can be confident that the affairs of the Authority are conducted in accordance with the highest standards of probity and accountability. The Authority will combat fraud and corruption wherever they may arise in relation to any of the activities or services involving any elected member or employee of the Authority.
- 1.2 This code of conduct applies to all staff of the Authority. It also applies to those staff of other Fire Authorities or Local Authorities who are seconded to this Authority for any period of time. A key factor is to demonstrate the highest standards of honesty and integrity throughout the organisation. You must therefore comply with:
- All appropriate legislation;
 - All Authority Codes of conduct;
 - Standing Orders of the Authority;
 - Financial Regulations;
 - Conditions of Service;
 - Any other standard, guideline or instruction relevant to the particular service or activity.
- 1.3 This document is to clarify the conduct that the Authority and the public expect of you. It will also ensure that you do not find yourself, inadvertently or otherwise, in a situation where your conduct could create an impression of undue influence or corruption in the minds of the public.

2. Standards

- 2.1 You, as an employee of the Authority must give the highest possible standard of service to the people of Tyne and Wear, and where it is part of your duties, to provide appropriate advice to elected members and colleagues with total impartiality.
- 2.2 You must report to your line manager any impropriety, breach of procedure or any serious deficiency in the provision of service.
- 2.3 In all cases, it is not enough to avoid actual impropriety. You must, at all times avoid any occasion for suspicion and any appearance of improper conduct.

3. Disclosure of Information

- 3.1 The Authority deals continuously with sensitive and confidential information (including data) affecting its policies, transactions, personnel, relationships with other organisations and individual members of the public. Conflicts of interests can arise over the unauthorised use of information received by virtue of employment. The basic safeguards against such misuse of information are the existing contractual terms, which restrict the disclosure of confidential information by all staff.
- 3.2 Information is described as any data that has come into the possession or knowledge of an employee by virtue of their employment and in connection with their employment. Such information can be stored on a variety of media such as paper, floppy disks, CD-ROMs, Computer systems, Internet, word of mouth, etc.
- 3.3 The law requires that certain types of information must be available to elected members, auditors, government departments, service users and the public. If you are in any doubt as to whether particular information can be released, you should refer to the Personnel Department for clarification.
- 3.4 You are reminded however, that information relating to the affairs of the Authority should not be disclosed, used or permitted to be disclosed or used to an individual's advantage, nor should such information be knowingly passed on to others who might use it in such a way. If in doubt, you must consult the Personnel Department for advice.
- 3.5 You must not communicate confidential information or documents to others that do not have a legitimate right to that information. In addition, staff involved or working with computer based information are reminded of the terms of the Data Protection Act, and the Computer Misuse Act 1990, and must ensure confidentiality of information and guard against the possibility of a third party intentionally or inadvertently misusing the information.

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- 3.6 Any particular information received by an individual from another individual, elected member or officer of the Authority, which is personal to that individual and does not belong to the Authority should not be divulged to any person without the prior approval of the information owner, except where such disclosure is required or sanctioned by law.

4. Political Neutrality

- 4.1 Whether you hold a politically restricted post or not, you must not allow your own personal or political opinions to interfere with your work.

5. Relationships

5.1 Elected Members and Officers of the Authority

5.1.1 The Authority has built a culture where all individuals are treated with dignity and respect, and the Authority will ensure that individuals work in a safe, secure and productive environment, and treated fairly in recruitment, employment, training and promotion. In addition, the Authority expects all staff to be treated fairly, consistently and with respect by other staff (including managers) and to be treated fairly and courteously by the community served.

5.1.2 Mutual respect between staff and elected members/officers of the Authority is essential. Some staff work closely with elected members/officers of the Authority, and potential close personal familiarity between staff and individual elected members/officers can damage the relationship and prove embarrassing to other staff and must therefore be avoided.

5.2 The Local Community

5.2.1 You must always remember your responsibilities to the Community as a public servant and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community in all aspects of the service provided.

5.3 Purchasing and Contracting or Related Decisions

5.3.1 You should take no part in any direct or indirect involvement in purchasing, contracting or related decisions, where you have a personal interest in the transaction. Should you have a personal interest at any time in any purchasing, contracting or related decisions, you must indicate your interest to the Chief Fire Officer/Chief Emergency Planning Officer in writing. The Chief Fire Officer/Chief Emergency Planning Officer may remove you from the process.

- 5.3.2 The Procurement Section is available to give further advice and guidance in terms of tendering and contracting procedures, including the appointment of consultants. Orders and contracts must be awarded in accordance with the Standing Orders and Financial Regulations of the Authority and no special favour should be shown to businesses run by, for example, friends and relatives.

5.4 Recruitment and Other Employment Matters

- 5.4.1 Staff involved in appointments must ensure that these are made on merit and in accordance with current policies and procedures.
- 5.4.2 In order to avoid any possible accusation of bias, you must not be involved in any appointment where you are related to an applicant or have a close personal relationship.
- 5.4.3 You must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or with whom you have a close personal relationship, nor should you attempt to influence such decisions.

6. Secondary Employment/Other Outside Work

6.1.1 All matters relating to the secondary employment of uniformed staff are fully set out in the relevant Administrative Procedure, and individuals are reminded that they must refer to that procedure prior to undertaking any form of secondary employment whether it be paid, unpaid or voluntary.

6.1.2 In respect of non-uniformed staff, the scheme of conditions of service states: -

“A staff member’s off-duty hours are their personal concern but they should not subordinate their duty to private interests or put themselves in a position where their duty and their private interest conflict. The employing Authority should not attempt to preclude members of staff from undertaking additional employment, but such employment must not, in the view of the Authority, conflict with or react detrimentally to the Authority’s interests, or in any way weaken public confidence in the conduct of the Authority’s business” (or if the Chief Fire Officer and acting under delegated powers).

“Personnel above Scale 6 shall devote their wholetime service to the work of the Authority and shall not engage in any other business or take up any additional appointment without the express prior consent of the Authority” (or of the Chief Fire Officer acting under delegated powers).

6.1.3 Although it is accepted that your off-duty hours are your personal concern, you must avoid situations whereby your work and personal interests conflict. The Authority will not normally preclude you from undertaking additional work/secondary employment provided that it does not conflict with the Authority’s interests, weaken public confidence in the service and fully complies with your terms and conditions of employment. The Personnel Department is available for advice in terms of secondary employment.

7. The use of Equipment and Materials

- 7.1.1 You must not use the Authority's telephone/fax facilities for private purposes unless under the arrangement for such facilities to be paid for. No other facilities or equipment provided by the Authority may be used for personal gain.
- 7.1.2 The Authority has provided an electronic mail system for use by authorised persons to assist in the business process. The system is used for Fire and Rescue Service management communications only and the following guidelines apply:-
- Personal messages which do not relate to fire service or emergency planning management issues are not to be transmitted via the system;
 - 'Ghosting' or using false identities via the system may lead to disciplinary action;
 - All communications must clearly identify the name, rank/title and permanent location of the user. In the case of those people who have been allocated individual access to the system, this will be written automatically within the 'From:' box. All other staff must ensure that this information forms the first part of any communication.
 - The use of e-mail for Representative Bodies, Social or Charitable Activities is subject to approval from the relevant Divisional Commander/Chief Emergency Planning Officer which approval shall not be unreasonably refused;
 - There are no circumstances when the e-mail system can be used for other than legitimate business use. You are reminded that unauthorised or illegitimate use of the e-mail system may result in disciplinary procedures.
- 7.1.3 Access to and use of the internet shall only be allowed in accordance with the Authority's policy on internet use.

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- 7.1.4 The Authority's vehicles may only be used for authorised purposes. If there is any doubt whether a particular use is authorised, advice should be sought from the relevant Divisional Commander. You are reminded that the Authority's insurance policy does not apply to unauthorised journeys and personnel driving the vehicle could be liable for any loss if an accident should occur, and be guilty of driving a motor vehicle without insurance and taking without the owners consent. You are further reminded that when using an Authority vehicle you are not exempt from the road traffic laws of the land, and therefore subject to potential prosecution.

8. Consultancy Work, Lecturing, Speaking at Conferences, etc

8.1.1 During the course of your service, you may be asked to undertake consultancy and other opportunities, which allow you to develop expertise beyond the boundaries of your normal role. Where offers of consultancy work, lecturing, speaking at seminars, etc are received the following will apply:-

- If you wish or are invited to undertake consultancy, lecturing and other outside work including involvement in regional or national affairs, you must apply for permission to a Principal Officer (staff from the Emergency Planning Unit must apply to the Chief Emergency Planning Officer). Where a principal officer is concerned, permission must be sought from the Chief Fire Officer/Chief Emergency Planning Officer (the Clerk to the Authority in the case of the Chief Fire Officer/Chief Emergency Planning Officer). Any fees paid by virtue of this work will be treated as income for the Authority.
- Where a request is received for a representative of the Authority to make a presentation and the individual is not named, the relevant Divisional Commander/Chief Emergency Planning Officer will nominate a suitable person, confirming that nomination with a Principal Officer. This commission will then be undertaken, as part of that individual's employment and therefore any fee will be treated as income for the Authority.
- When an approach is made directly to an individual because of that individual's reputation, skills, knowledge or experience then there is potential for any fee to be treated as income for the individual. In these circumstances you may apply for leave, paid or unpaid, or a career development opportunity to your Divisional Commander/Chief Emergency Planning Officer as appropriate. In the case of paid leave

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and/or career development, all fees will be treated as income for the Authority. In the case of unpaid leave, you may realise the fee as applicable.

- 8.1.2 The above also applies in relation to an individual contributing to or writing a text book, chapter for a reference book or an article for a journal. When work is undertaken in your own time then you would normally wholly retain any fees or commission.
- 8.2 You are reminded that work as detailed above, undertaken in your own time, is subject to the terms of Section 6 (Secondary Employment/Other Outside Work) of this document.

9. Fraud and Corruption

- 9.1 There is a large volume of legislation which regulates this Authority and which sets out the framework to ensure that the Authority adopts effective control and monitoring in relation to the conduct of business.
- 9.2 In addition to compliance with legislation, the Authority has also established policies and procedures that are designed to ensure a high standard of probity when you are conducting the affairs of the Authority. The principal policies and procedures include:
- a) The Standing Orders of the Authority
 - b) The Financial Regulations of the Authority
 - c) The Authority Delegation Scheme
 - d) Fire and Rescue Service administrative procedures.
- a) to c) above have been issued to certain postholders within the Authority namely:
- All members of the Fire and Rescue Service Management Team
 - All Department Heads
- 9.3 You are also bound by your relevant terms and conditions of contract, (available from the Personnel Department) which include references to standards of conduct and possible conflict of interest between private interests and the interests of the Authority. Every employee has a role to play in maintaining the standards, which the public is entitled to expect of the Fire Service and Emergency Planning Unit. Consequently every employee must comply fully with the policies and procedures of the Authority as detailed above.
- 9.4 The responsibility for maintaining effective monitoring systems, procedures and controls to prevent or detect fraud and corruption rests with managers responsible for particular service areas. However you are advised that the Authority must maintain the proper control of its financial

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affairs and will not hesitate to use the Internal Audit Section or the Police to investigate suspected cases of fraud and corruption should the need arise.

- 9.5 You must be aware that it is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in your official capacity. If an allegation is made, it is for you to demonstrate that any such rewards have not been corruptly obtained. The relevant statutory provisions appear at Appendix A. However, if incidents of fraud and corruption nevertheless occur, the next objective is to ensure those management arrangements and systems of control are robust enough to identify when irregularities are occurring.
- 9.6 Incidents of potential fraud and corruption can arise in a variety of ways including:-
- Information provided by staff (sometimes anonymously);
 - Information provided by members of the public (again sometimes anonymously);
 - Information provided by other authorities or agencies;
 - Information highlighted by management processes and arrangements;
 - Information highlighted by system controls;
 - Information highlighted by an audit or review process;
 - Information highlighted by use of Safecall or other hotline designed to enable individuals to report any matters of concern.

10. Reporting Allegations of Irregularities

- 10.1 Indications of suspected irregularities can arise in many different ways and it is possible that anybody may be the first to become alerted to a potential situation involving malpractice, fraud or corruption. This section therefore details the reporting procedures to be adopted in all cases where there is a suspicion of irregularities having occurred, or are ongoing.
- 10.2 Line Manager is NOT Involved or Suspected – In normal circumstances, you should report any allegations of malpractice, fraud or corruption through your normal line manager, unless there are specific reasons why it would not be appropriate to do so. The line manager will record all the details and, in accordance with Disciplinary Procedures, will decide whether or not there has been a likely breach of discipline on the basis of the evidence immediately available and determine what the appropriate level of investigation should be.
- 10.3 Line Manager is Involved or Suspected – In such circumstances it would not be appropriate for you to report any allegations through the normal line management structure, therefore a report should be made directly to the relevant Divisional Commander or Chief Emergency Planning Officer (for EPU Staff). That Officer will record all details and progress of the matter in accordance with the Discipline Procedures. If the allegations involve the Fire and Rescue Service Divisional Commander, then a report should be made directly to the Assistant Chief Officer (Personnel and Training).
- 10.4 Elected members of the Authority should report any allegations directly to the Chief Fire Officer or Chief Emergency Planning Officer. In the case of any potential involvement by the two aforementioned officers, Elected Members should liaise directly with the Clerk to the Authority.

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- 10.5 If you are not able, for whatever reason, to invoke the procedure detailed above, there is available a confidential 'hotline' which is provided to enable any allegation to be reported (See Section 13 below). If it is believed that a Principal Officer may be involved or suspected, this line should be used to report any suspicion or allegation.
- 10.6 The Authority has a well-documented complaints procedure, (attached as Appendix D). Comprehensive leaflets, covering this procedure, have also been provided and located on all Authority premises and in every Public Library within Tyne and Wear. Members of the public are therefore encouraged to use this procedure to report any matters they may wish to raise.
- 10.7 In order to ensure that a report or allegation is dealt with quickly and confidentially, you are reminded that:
- Allegations will be handled discreetly – any leaking of information may jeopardise the investigation, and could lead to disciplinary action being taken;
 - As much information as possible must be recorded or collected in respect of the allegation – you should not delay the reporting process in order to achieve this;
 - Records, including computer records must be secured so that there is no possibility of evidence being lost, destroyed, amended or otherwise tampered with.

11. Investigating Allegations of Irregularities

- 11.1 Any allegations made will be investigated in accordance with the Authority's Disciplinary Procedure.
- 11.2 If and when there is prima facie evidence that a criminal offence has been committed, the situation will be referred to the Police.
- 11.3 In the event of allegations or evidence indicating that financial irregularities have occurred, the Assistant Chief Fire Officer (Personnel and Training)/Chief Emergency Planning Officer will be responsible for informing the Internal Audit Department in addition to any other investigatory process deemed necessary by that Officer. This is as a requirement under the Financial Regulations of the Authority, specifically Regulation 4.4 (b) which states "The Chief Fire Officer and the Chief Emergency Planning Officer shall... inform the Finance Officer as soon as possible of failures of financial control, including matters which involve, or may involve, financial irregularity."

12. Register of Gifts and Interests

12.1 Register of Financial and other Interests

12.1.1 You must declare to the Chief Fire Officer (or CEPO) any financial or non-financial interests that you consider could bring about a conflict with the interests of the Fire and Rescue Authority. Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts with the Authority in which you have a pecuniary interest. You are advised that a record of interests will be kept on your individual Personal Record File and may also be kept on a computer based recording system.

12.1.2 The criteria for 'interests' are as follows:

- a) Any external employment or business carried on by you (Note the contents of section 6 regarding secondary employment);
- b) The name of the secondary employer, the name of any firm in which you are a partner and the name of any company in which you are a director;
- c) The name of any person who has made a payment to you, other than a relevant Authority, in carrying out your duties;
- d) The name of any corporate body which has a place of business or land in the Authority's area and in which you have a beneficial interest;
- e) A description of any contract for goods, services or works made between the Authority and you or a firm in which you are a partner or director;
- f) The address (or other description sufficient to identify the location) of any land in which you have a beneficial interest and which is in the area of the Authority;
- g) The address (or other description sufficient to identify the location) of any land where the landlord is the Authority and the tenant is the firm in which you are a partner or director;

- h) The address (or other description sufficient to identify the location) of any land in the Authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer.
- 12.1.3 A Register of Interests form (see appendix B) has been provided on which you must record any interests, as defined in 12.1.2 above.
- 12.1.4 You must ensure that you have completed the relevant documentation and forwarded it to the Chief Fire Officer (or CEPO in the case of EPU staff), under confidential cover, for consideration and filing on your individual Personal Record File. You must also ensure that the documentation is valid, accurate and updated regularly as necessary. In order to comply with the Standing Orders of the Authority, a copy of this form will be sent to the Clerk by the Personnel Department staff, under confidential cover.
- 12.1.5 It is your responsibility to ensure that, should any details declared on the Register of Interests form change, a new form is submitted to the Personnel Department immediately.

12.2 Register of Gifts

- 12.2.1 The official conduct of officers and other staff should never foster the suspicion of a conflict of interest. You must be careful not to show, by your behaviour, that you may be influenced by gifts whilst acting in an official capacity. This is important, not simply because the reputation of the Authority may be at stake, but also you are liable to criminal proceedings if you are shown to be influenced by inducements.
- 12.2.2 A potential source of conflict between private and public interests is the offer of gifts, hospitality or benefits in kind to you in connection with your official duties. For the purposes of this Code, a gift includes any item with a monetary value that you have not purchased and paid for yourself, or that has not been issued by the Authority during the normal course of your employment. This includes such things as hospitality, holidays, software, food and drink, clothes and

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electronic devices. You are reminded that this list is not exhaustive.

- 12.2.3 With the exception of unsolicited gratuities received in accordance with paragraph 12.2.4, you must not, under cover of your employment, accept any fee or reward whatsoever other than your proper remuneration. When a gift has to be refused, this should be done with tact and courtesy because the offering of gifts is more common in practice in the commercial world.
- 12.2.4 You may accept unsolicited gratuities offered by any person or organisation during the normal course of your employment provided that such gratuities are disposed of for charitable purposes to a charity to be determined by the Chief Fire Officer (or Chief Emergency Planning Officer). If a gift or unsolicited gratuity is simply delivered to your place of work there may be a problem returning it, in which case it must be reported to the Assistant Chief Officer Personnel and Training or Chief Emergency Planning Officer (in the case of EPU staff) immediately via e-mail and that Officer will determine a suitable charity.
- 12.2.5 In all cases, a form 'Register of Gifts' must be completed and forwarded to your line manager. Your line manager will check and then authorise the form and forward it to the Personnel Department. A record of every gift/gratuity received by an individual will be recorded on a Register of Gifts, available within the Personnel Department. You are advised that records are kept in this way and also in electronic format on a computer based recording system.
- 12.2.6 The only exception to paragraphs 12.2.3 and 12.2.5 are:-
- Gifts of a promotional nature on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm;
 - Gifts of a token value, often given at Christmas time such as diaries, calendars, pens, etc.

12.3 Hospitality

12.3.1 A reasonable amount of hospitality may be offered as a normal part of public life, but it is important not to create an appearance of improper influence thus undermining public confidence.

12.3.2 Where hospitality is offered to you, special caution is needed when the host is seeking to do business with the Authority or to obtain a decision from it. It is important to avoid any suggestion of improper influence, and therefore you should consider the following:

- Is the donor or event significant in the community?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community?
- What is the motivation behind the invitation?
- Would the invitation be, in any way inappropriate or place you under pressure in relation to any current or future issue involving the Authority?
- Could you justify your decision to the Authority and the public?
- Is the extent of the hospitality reasonable and appropriate?
- How will you respond to the hospitality?
- Are you comfortable with the decision?

12.3.3 In general terms it will often be more acceptable to join in hospitality offered to a group than to accept something unique to you. When a particular person or body has a matter currently in issue with the Authority, then offers of hospitality from that person or body should be refused even if, under normal circumstances, they would have been accepted.

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- 12.3.4 Hospitality is sometimes offered to representatives of the Authority and is accepted as official, i.e. corporate level, because that is reasonable in the circumstances. In such cases, Members and Principal Officers, or individuals nominated by them, should attend.
- 12.3.5 All acceptance of hospitality, other than those indicated at 12.3.4 above, must be reported using the 'Register of Gifts/Hospitality' form, completed in accordance with paragraph 12.2.5 above.
- 12.4 All records appertaining to either your Register of Interests or Register of Gifts/Hospitality will be available for inspection by Officers who currently have access to your personal data as defined under the Data Protection Act, and those other persons authorised to have access, such as Internal Audit, at any reasonable time by appointment with the Personnel Officer.

13. Malpractice Occurring in the Workplace (Whistle-Blowing)

- 13.1 The term used to describe arrangements, which allow you to express concerns about any types of malpractice, which may be occurring in the workplace, is whistle-blowing. Such arrangements are closely linked to a culture which encourages you to express your concerns (sometimes anonymously) without the fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and confidentially.
- 13.2 These arrangements are not simply confined to issues involving malpractice, fraud and corruption, but also encompass breaches of health and safety, bullying, harassment, and any other situation that causes you to have serious concerns.
- 13.3 The Authority has in place an independent, confidential whistle-blowing 'hotline' (0870-2410762) which is available 24 hrs per day. This is to allow you to raise concerns about any matter of Authority business whether personally involved, anonymously or otherwise. Reports taken via the

'hotline' are sent directly to the Fire and Rescue Service Investigating Officer (or Chief Emergency Planning Officer in the case of the EPU) thereby bypassing the normal chain of command and ensuring a prompt response. If it is believed that a Principal Officer could be involved, the Clerk to the Fire Authority will be informed and will take any necessary action.

- 13.4 The confidential 'hotline' number (0870 – 2410762) is well publicised within the Authority by posters located in all Authority premises and by information published in the Fire and Rescue Service Gazette. In addition, every employee is issued with a credit-card-sized advice sheet for their use. This 'hotline' can be used to report any incidence of wrongdoing in the workplace. It has been designed to reinforce the Authority's determination to have an open, transparent and inclusive culture in which the workplace is free from discrimination, bullying and harassment. This facility allows you to report wrongdoing to an independent body without any fears of recrimination from other staff.

13.5 How will the Authority Respond

Following a notification from the whistle-blowing 'hotline':

- Initial enquiries will be made to decide whether or not an investigation is appropriate;
- Some concerns may be resolved by agreed action without the need for an investigation;
- Within ten working days of receipt of the concern, the Assistant Chief Fire Officer (Personnel and Training)/Chief Emergency Planning Officer will (if the concern was not made anonymously), write to the individual:-
 - Acknowledging that the concern has been received;
 - Indicate how it is proposed to deal with the matter;
 - Indicate that further information may be required from the individual.

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When any meeting is arranged the individual has the right to be accompanied by someone not involved in the case.

The Authority will also take any necessary actions to minimise any difficulties, which the individual may experience as a result of raising any issue.

The ultimate aim is to ensure that you receive fair and equitable treatment at all times and your concern is dealt with appropriately.

14. Forms of Conduct

- 14.1 It is important that you understand what is deemed as inappropriate conduct in the context of the service we provide. The following table is a guide in terms of the action that may be taken in response to various forms of conduct, although the Authority's response may vary according to each individual case.
- 14.2 You are reminded that the table is provided for guidance and does not replace or negate the disciplinary terms and regulations stated within each individual contract of employment.
- 14.3 In addition, a copy of the disciplinary and grievance procedures appertaining to you was issued with your contract of employment.

Theft & Fraud

Minor Misconduct or Performance Issues:

N/A

Serious Misconduct:

N/A

Gross Misconduct:

Stealing from the Authority or colleagues

Giving false evidence of incapacity for work

Behaviour

Minor Misconduct or Performance Issues:

Allowing unauthorised person(s) on the premises

Unauthorised Absence

Serious Misconduct:

Failure to comply with a reasonable request

Abusive, insulting behaviour

Incapacity through substance misuse

Persistent unauthorised absence

Gross Misconduct:

Gross indecency

Malicious damage to employee's or Authority property

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Breach of confidentiality

Bullying

Misuse of Authority property or vehicle(s)

Performance

Minor Misconduct or Performance Issues:

Poor performance despite training

Serious Misconduct:

Persistent failure to meet job requirements

Gross Misconduct:

Grossly negligent performance

Absence

Minor Misconduct or Performance Issues:

Failure to follow absence reporting rules

Recurring absences

Serious Misconduct:

Prolonged Absence

Gross Misconduct:

Persistent unauthorised Absence

Fairness and Equality

Minor Misconduct or Performance Issues:

Use of inappropriate language

Serious Misconduct:

Failure to observe the Fairness and Equality Policy

Gross Misconduct:

Serious discriminatory behaviour including harassment

Time-keeping (within the terms of the appropriate duty system)

Minor Misconduct or Performance Issues:

Frequent lateness

Serious Misconduct:

Persistent lateness

Gross Misconduct:

N/A

Health and Safety

Minor Misconduct or Performance Issues:

Failure to wear protective equipment

Failure to observe safety policy

Serious Misconduct:

Persistent failure to wear protective equipment

Persistent failure to observe safety policy

Gross Misconduct:

Serious cases involving gross breach of safety policy

15. Conflict Between this Code and Discipline Procedures

- 15.1 In the event of a conflict between the provisions of this Code and the content of the Authority's Discipline Procedures, the latter shall prevail.

16. Monitoring and Review

- 16.1 The Chief Fire Officer/Chief Emergency Planning Officer will review this code of conduct every two years.
- 16.2 All records appertaining to this code will be reviewed at the same frequency to the above.

APPENDIX A

This appendix provides further guidance about the definitions of fraud and corruption.

Fraud

Fraud is defined as:

The intentional distorting of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain.

Fraud is therefore, a deliberate act by an individual or group and is normally intentional and dishonest. It does not include misappropriation of assets not involving the distortion of financial statements or other records, e.g. fraud would not include theft of cash or property.

Within the Authority, Fraud can occur in a number of ways including:

- Falsification of records
- Overclaiming of expenses
- Payment for goods and services which are not received
- Creation of fictitious issue records or goods received notes.

This list is intended to be indicative only.

Corruption

Corruption can be defined as:

The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.

Within the Authority, corruption is only possible by collusion and would normally involve staff in conjunction with members of the public or other third parties. Corruption can therefore occur in a number of ways:

- Tendering and award of contracts;
- Contractors claims and final accounts;
- Award of permissions, consents, licences etc
- Disposal of assets.

Again, this list is not exhaustive.

Prevention of Corruption Acts 1906 and 1916

The Prevention of Corruption Acts 1906 and 1916 say the following about acceptance of gifts by way of inducement or reward:-

- a) Under these acts it is an offence for staff corruptly to accept any gifts or consideration as an inducement or reward for:-
 - i) doing, refraining from doing, anything in their official capacity; or
 - ii) showing favour or disfavour to any person in their official capacity.
- b) Under the Prevention of Corruption Act 1916, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves to the contrary.

APPENDIX B

**Tyne and Wear Fire Rescue Authority
Register of Interests**

If it comes to your knowledge that a contract in which you have a pecuniary interest, whether direct or indirect (not being a contract to which you are a party), has been, or is proposed to be, entered into by the Authority, as soon as practicable you must give notice in writing to the Chief Fire Officer of your interest therein.

Using the criteria detailed in the Code of Conduct as a guide, complete the following short questionnaire and return it to the Chief Fire Officer/Chief Emergency Planning Officer (as appropriate) as soon as possible. The original will be held on your Personal Record File and a copy will be returned to you for information.

Name _____
(Please Print Clearly)

Rank/Grade _____ Number _____ Location _____

Interests: _____

Signed _____ Date _____

Received by the Chief Fire Officer/Chief Emergency Planning Officer

On:

Signed

APPENDIX C

**Tyne and Wear Fire Rescue Authority
Register of Gifts/Hospitality**

This form to be completed in accordance with paragraph 12.2.5 of the Code of Conduct.

Name _____
(Please Print Clearly)

Rank/Grade _____ Number _____ Location _____

Gift/Gratuity/hospitality accepted: _____

Company/individual offering gift/gratuity/hospitality:

ACO/CEPO Informed by e-mail: _____

Employee Signed _____ Date _____

Line Manager Signed _____ Date _____

Forward to the Assistant Chief Officer Personnel and Training Services or Chief Emergency Planning Officer as appropriate

Donated to: _____

Signed _____ Date _____

Forward completed form to Personnel Department/CEPO for filing on PRF

APPENDIX D

Compliments, Comments and Complaints

The vision of the Tyne and Wear Fire and Rescue Authority is “Creating the Safest Community” and its Mission is “To save life, reduce risk, provide humanitarian services and protect the environment”.

As a receiver of a public service, there may be times when you wish to comment on the service provided by the Fire and Rescue Service and the Emergency Planning Unit, or indeed complain about an aspect of our operations.

We encourage compliments, comments and complaints as we are continually trying to improve our service and we value the opinions of our community.

About the Authority

Tyne and Wear Fire and Rescue Authority is responsible for providing a fire, rescue, fire safety and emergency planning service for the community within the County of Tyne and Wear.

The Authority is committed to: -

- Continually improving our service
- Asking the public what they want and expect from the services we provide or could provide
- Reviewing our services every five years
- Setting targets and improving standards

Further information about the Authority can be found on the websites www.twfire.gov.uk and www.twepu.gov.uk

Dealing with Emergencies

When an emergency call is received the information is passed to the nearest fire station. If there is no fire appliance available, then appliances from the next nearest fire station are sent instead. For some large fires, the Fire and Rescue Service requires fire appliances from

throughout the County and adjoining brigades. Additionally, the Fire and Rescue Service operates certain specialist appliances, which provide a wide range of fire and rescue functions to assist and support at all types of incidents.

The Fire Safety Pledge

We are available to give advice on fire safety issues in respect of property and other buildings, whenever this is requested. In Tyne and Wear this service is provided free of charge.

We also advise and help the community to satisfy the requirements of fire safety legislation in the most cost effective and sympathetic way. No charge is made for any inspection however, certain duties are chargeable and these costs correspond only to administration and production of material in relation to the compliance of the relevant legislation.

We will endeavour to provide the best possible service to the community we serve, utilising trained officers who will exercise professional judgement and common sense.

Where enforcement action under any legislation is required, this will be conducted in accordance with the Enforcement Concordat.

Compliments, Comments and Complaints

If you have a compliment, comment or complaint about any aspect of our service, please contact the Authority by telephone, letter, e-mail or via its website.

For our part, if you do make a complaint we will ensure that:-

- Your complaint is treated confidentially;
- you receive an acknowledgement within seven working days including the name of the Fire and Rescue Service Officer responsible;
- your complaint is investigated in accordance with Fire and Rescue Service standard procedures;

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We will also: -

- send you a full reply including the results of the investigation within 28 working days;
- ensure that you are informed of the progress if the above deadline cannot be met, every 28 working days.

Make your Views Known

You can contact the Fire and Rescue Service by telephone:
- 0191 444 1500, stating the nature of your query; or

E-mail the Fire and Rescue Service: -
complaints@twfire.gov.uk; or

Write to: -

The Chief Fire Officer,
Fire and Rescue Service Headquarters
Barmston Mere
Nissan Way
Washington
SR5 3QY

The Chief Emergency Planning Officer
Emergency Planning Unit
Third Floor
Pennine House
Washington
Tyne and Wear
NE37 1LY

Thank you for your co-operation in this matter. if you have any queries or require further information, please do not hesitate to make contact