

# **Tyne and Wear Fire and Rescue Authority**

## **Codes of Conduct**



## Tyne and Wear Fire and Rescue Authority

### Codes of Conduct

#### A Members' Code of Conduct

The Tyne and Wear Fire and Rescue Authority ("the Authority") has adopted the following code which has effect from 1 July 2012 and which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

**This means the code applies whenever you (a) conduct the business of the Authority (including the business of your office as an elected member or co-opted member) or (b) act, claim to act or give the impression you are acting as a representative of the Authority.**

'Co-opted member' means any person who is a member of any committee or sub-committee of the Authority but is not one of its elected members

'Elected member' means any member who is an elected councillor of a constituent council or the Police and Crime Commissioner for Northumbria

The code is intended to be consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

#### General Conduct

1. You must treat others with respect, including Authority officers and other members.
2. You must not bully any person (including specifically any Authority employee) and you must not intimidate or improperly influence or attempt to intimidate or improperly influence any person who is involved in any complaint about any alleged breach of this code of conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the Authority which seeks to regulate the conduct of its elected members or co-opted members and which the Authority has specifically declared should fall within the

provisions of this code of conduct and which is listed in the annex to this Code.

7. When using or authorising the use by others of the resources of the Authority, you must act in accordance with the Authority's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
  - a) You have the consent of a person authorised to give it; or
  - b) You are required by law to do so; or
  - c) 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
- a) The disclosure is reasonable and in the public interest and made in good faith.

### **Registration of Interests**

10. Subject to paragraph 11, you must register in the Authority's Register of Members' Interests information about your personal interests. In this code of conduct 'your personal interests' means any 'Disclosable Pecuniary Interest' (as defined by regulations made from time to time by the Secretary of State) which you know about and which is held by

1. you, or
2. your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners.

You must register information about your personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the Authority; and
- any change taking place in your personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34

Localism Act 2011 as well as being a breach of this code. A list of Disclosable Pecuniary Interests as currently defined by regulations is set out in Annex 2)

11. Where you think that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the Register to the effect that you have a personal interest, details of which are withheld under Section 32 of the Localism Act 2011.

### **Declaration of Interests**

12. When you attend a meeting of the Authority, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that any of your personal interests are relevant to an item of business which is being considered, then unless the interest is one which has been noted under paragraph 11, you must disclose to that meeting the existence and nature of that interest at the start of that item of business, or when the interest becomes apparent, if later.

13. When you attend a meeting of the Authority, or one of their committees or sub-committees, and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered at that meeting, you may not (unless you have a relevant dispensation granted under section 33 of the Localism Act 2011) :

- a) participate (or further participate) in any discussion of the matter at the meeting; or
- b) participate in any vote (or further vote) taken on the matter at the meeting.

(Failure, without reasonable excuse, to comply with paragraph 13 is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code)

You must comply with any standing order adopted by the Authority which requires Members to leave the room during any meeting at which a matter in which they have a Disclosable Pecuniary Interest is being discussed.

## **Annex 1 to Code of Conduct**

### **Nolan's Seven Principles of Public Life**

#### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

#### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

## Annex 2 to Code of Conduct

### Disclosable Pecuniary Interests

(as defined by regulations made by the Secretary of State under section 30 Localism Act 2011 (the Regulations))

**Please note:** The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) yourself, or (b) your spouse or civil partner, or (c) a person with whom you are living as husband and wife, or (d) a person with whom you are living as if you were civil partners (all of whom are referred to as “relevant persons”):

**Employment, office, trade, profession or vocation** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**Sponsorship** - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

**Contracts** - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Authority —

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

**Land** - Any beneficial interest in land which is within the area of the relevant authority..

**Licences** - Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

**Corporate tenancies** - Any tenancy where (to M’s knowledge)—

(a) the landlord is the relevant authority); and

(b) the tenant is a body in which the relevant person has a beneficial interest.

**Securities** - Any beneficial interest in securities of a body where—

(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority ; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**Note: These descriptions of interests are subject to the following definitions;**

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

## **Annex 3 to Code of Conduct**

### **Associated Protocols**

The Authority has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Authority has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code.

**Tyne and Wear Fire and  
Rescue Authority**

**Codes of Conduct**

**Dealing with complaints  
against Members**

## **Part 1**

### **Introduction and overview**

#### **1. The Code of Conduct for Members**

- 1.1 The Code of Conduct for Members (set out in part 5 of the Constitution) defines the standards of conduct which will be required of a Member of Tyne and Wear Fire and Rescue Authority (“the Authority”) (including the Police and Crime Commissioner Member) when carrying out his/her duties and in his/her relationships with the Authority and its officers. The Code represents the standards against which the public, fellow Members, and the Authority’s Governance Committee (“the Governance Committee”) will judge the Member’s conduct.

#### **2. Complaints about breaches of the Code**

- 2.1 Any person may make a written complaint to the Authority that a Member has acted in breach of the Code. A template Form of Complaint is set out in Appendix 1 below.
- 2.2 The Monitoring Officer has been appointed by the Authority as the Proper Officer to receive complaints of failure to comply with the Code of Conduct.
- 2.3 The Monitoring Officer has delegated power, after consultation with the Independent Person(s), to determine whether a complaint merits formal investigation and to arrange such investigation. He/she is instructed to seek resolution of complaints without formal investigation wherever practicable, has discretion to refer decisions on investigation to the Governance Committee where he/she feels that it is inappropriate for him/her to take the decision and is required to report regularly to the Governance Committee on the discharge of this function.
- 2.4 In deciding whether a complaint should be investigated, the Monitoring Officer or Governance Committee, as appropriate, will take into account the criteria in Appendix 2 below. The Governance Committee has delegated power to amend those criteria from time to time as it thinks appropriate.
- 2.5 Where an investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer is authorised to close the matter (unless he/she considers it appropriate after consulting the Independent Person(s) to refer the findings to the Governance Committee to decide if a hearing is nevertheless called for), providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person(s), and reporting the findings to the Governance Committee for information.

- 2.6 Subject to paragraph 2.8 below, where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person(s), is authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Governance Committee. Where such local resolution is not appropriate or not possible, he/she is to report the investigation to the Governance Committee for local hearing.
- 2.7 Subject to paragraph 2.8 below, the Governance Committee has delegated powers to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions including:
- issuing a formal censure by the Committee;
  - recommending to the Authority the issue of a formal censure by the Authority;
  - referral of its findings to the Authority for information;
  - publication of its findings by such means as the Committee thinks fit;
  - recommending to the Authority that the member be removed from any or all Committees or Sub-Committees (subject to the approval of the member's Group, if applicable);
  - recommending to the Authority that the member be removed from all outside appointments to which he/she has been appointed or nominated by the Authority;
  - instructing the Monitoring Officer to offer training to the member;
  - recommending to the Authority that it exclude the member from the Authority's offices or other premises or facilities, to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his/her role as an elected member; or
  - such other recommendations as the Committee may think appropriate.
- 2.8 Where a complaint or allegation relates to the member who is the Police and Crime Commissioner, no steps will be taken under paragraphs 2.6 and 2.7 above until the matter has first been referred to the police and crime panel for the Commissioner's police area. If, as a result of the referral, the police and crime panel makes a report or recommendation on the allegation to the Authority under section 28(6) of the Police Reform and Social Responsibility Act 2011 / section 28(11C) of the Localism Act 2011, such report or recommendation must be taken into account in determining:

(a) whether the Police and Crime Commissioner has failed to comply with the Authority's Code of Conduct;

(b) whether to take action in relation to the Commissioner; and

(c) what action to take.

2.9 A member who is aggrieved by a finding of the Governance Committee that he or she has failed to comply with the Code of Conduct and/or by a sanction imposed by the Committee, has a right to request a review by an Independent Person of another local authority whose views, if critical of the original finding or sanction imposed, would result in the Governance Committee being required to reconsider its original decision. The Monitoring Officer is authorised to arrange with another Authority in the Tyne and Wear region that one of its Independent Persons be made available for this purpose

# COMPLAINT FORM – Alleged Breach of Members’ Code of Conduct

## Your details

1. Please provide us with your name and contact details

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the Governance Committee of the Authority
- any other person whom we consider it necessary to inform to investigate your complaint properly

We may also inform the Authority’s Independent Person(s).

We will usually tell them your name and either provide them with a copy of your complaint or a summary of it. If you have serious concerns about your name and a copy of your complaint or a summary being released, please complete section 6 of this form.

2. Please tell us which complainant type best describes you:

Member of the public

- An elected or co-opted member of an authority
- An independent member of the Governance committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other (      )

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is very important that you provide all the information you wish to have taken into account by the monitoring officer (or the Governance Committee if the complaint is referred to that Committee) when he or she decides whether to refer your complaint for investigation. For example:

- You should be specific, wherever possible; about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.


## **5. Action on receipt of your complaint**

We will write to you to let you know that we have received your complaint. Your complaint will then be assessed either by the Monitoring Officer or, if he/she considers it is inappropriate for him/her to deal with it, it will be assessed by the Governance Committee.

We may decide that it will not be investigated for one or more of a number of reasons, for example:

- Complaints where a member is not named.
- Complaints that are not in writing
- Incidents or actions that are not covered by the Code of Conduct
- Incidents that are about a fault in the way the authority has or has not done something. This is known as maladministration and may be a matter for the Local Government Ombudsman
- Complaints about people employed by local authorities
- Incidents that happened before a member was elected.

If we decide not to refer your complaint for investigation, we will write to you explaining why.

If we decide to refer your complaint for investigation, we will notify you accordingly. Following the completion of an investigation into an allegation, if the Investigating Officer concludes that the member concerned has breached the Code of Conduct, then unless the complaint can be resolved informally, the Council's Governance Committee will meet to consider the allegation and the findings of the investigation.

**Only complete this next section if you are requesting that your identity is kept confidential**

- 6.** In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also

believe they have a right to be provided with a copy of your complaint or a summary of it.

We are unlikely to withhold your identity or the details of your complaint other than in exceptional circumstances (e.g. that you have good reason to believe that you will be at risk of physical harm, or your employment will be jeopardised if your identity is disclosed, or there are medical risks (supported by medical evidence) associated with your identity being disclosed).

Please note that requests for withholding your identity and/or details of your complaint, either altogether or for a period of time, will not automatically be granted. Any request for confidentiality will be considered as a preliminary matter. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances, where the matter complained about is very serious, we can proceed with an investigation and disclose your name, even if you have expressly asked us not to. You should also note that when a matter is referred for investigation, it is likely that at some point in the process we will have to tell the member your identity and the details of the complaint, to enable them to respond and for the investigation to be completed.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

### **Additional Help**

7. Complaints must be submitted in writing. Fax and electronic submissions are permissible. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

You should contact the Complaints and Feedback Team on (0191) 561 7997

**Signed**

**Dated**

This form once completed should be sent, along with any supporting documents, to:

Elaine Waugh  
Monitoring Officer for Tyne and Wear Fire and Rescue Authority  
c/o Sunderland City Council  
PO Box 100  
Civic Centre  
Sunderland  
SR2 7DN

or e-mailed to [City.Solicitor@sunderland.gov.uk](mailto:City.Solicitor@sunderland.gov.uk)

### **Equality Monitoring Form**

To help us make sure that everybody is treated fairly and equally we need to know who is making complaints. This information will help us to develop and change our policies and practices to ensure that no one is discriminated against.

To help us to do this we request that you complete the questions below. You do not have to do so but this information would be helpful to us. All of the information you give will be treated with the strictest of confidence and will be used for monitoring purposes only.

**Are you:**

Male

Female

**What is your age group?**

15 and under  16-24  25-39  40-59  60-64

65-74  75+

**Do you have any long standing illness or disability?**

(Long standing means anything that has troubled you over a period of time or that is likely to affect you over a period of time)

Yes

No

If yes, does this illness or disability limit your activities in any way?

Yes

No

Please state the impairment type(s) which applies to you:

Mobility

Visual impairment

Hearing Impairment/Deaf

Mental Health diagnosis

Other

Prefer not to say

**What is your ethnic group?**

**A. White**

British

Irish

Other  Please state .....

**B. Mixed**

White and Black Caribbean

White and Asian

White and Black African

Any other mixed background  Please state .....

**C. Asian or Asian British**

Indian

Bangladeshi

Pakistani

Any other Asian background  Please state .....

**D. Black or Black British**

Caribbean

African

Any other Black background  Please state .....

**E. Chinese**

**F. Any other ethnic group  Please state .....**

**What is your sexual orientation?**

Bisexual

Gay Man

Gay women/lesbian

Heterosexual/straight

Other

Prefer not to say

**What is your religion? (Tick one box only)**

None

Christian

Buddhist

Hindu

Jewish

Muslim

Sikh

Any other religion  Please state. ....

Prefer not to say

## **Assessment Criteria**

The following criteria will be taken into account in deciding what action, if any, to take:

- 1. Has the complainant submitted enough information to satisfy the Monitoring Officer (or the Governance Committee if appropriate) that the complaint should be referred for investigation or other action?**

If not:

The information provided is insufficient to make a decision. So unless, or until, further information is received, no further action will be taken on the complaint.

- 2. Is the complaint about someone who is no longer a member of the Authority, but is a member of another authority? If so, should the complaint be referred to the monitoring officer of that other authority?**

If yes:

The complaint will be referred to the monitoring officer of that other authority to consider.

- 3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?**

If yes:

There may be nothing more to be gained by further action being taken.

- 4. Is the complaint about something which happened so long ago that there would be little benefit in taking action now?**

If yes:

Further action may not be warranted.

- 5. Does the complaint appear too trivial to justify the cost or inconvenience of further action?**

If yes:

Further action will not be warranted.

- 6. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?**

If yes:

Further action will not normally be warranted.

**7. Is the complaint anonymous?**

If yes:

No action will normally be taken unless there are compelling reasons to suggest otherwise, e.g. if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter

**Tyne and Wear Fire and  
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**All Personnel**

NOTE: This document applies to all employees of the Authority. Throughout the document, the term 'you' ('your' etc) is used to indicate an employee of the Authority.

## **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, 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 HR 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 HR 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.
- 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 association between staff and individual Elected Members/officers may 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 in writing. The Chief Fire 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 All matters relating to the secondary employment of all employees are fully set out in Admin Procedure 3:19 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.

6.1.1 In respect of corporate 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.”*

*“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.”*

6.1.2 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 HR Department is available for advice in terms of secondary employment.

## **7 THE USE OF EQUIPMENT AND MATERIALS**

7.1 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.

7.2 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 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, role/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 Area Manager 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 (See Admin Proc 8.5). You are reminded that unauthorised or illegitimate use of the e-mail system may result in disciplinary procedures.

7.3 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 Area Manager. 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 owner's 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 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 Brigade Manager responsible for HR, Learning & Development. Where a principal officer is concerned, permission must be sought from the Chief Fire Officer (the Human Resources Committee in the case of the Chief Fire Officer). Any fees

paid by virtue of this work 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 Area Manager. In the case of paid leave 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.
- 8.2 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.
- 8.3 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 ANTI FRAUD AND CORRUPTION POLICY**

9.1 This policy applies to all staff and Members of the Authority, contractors, suppliers and service users.

### **9.2 DEFINITION**

**Fraud** is the intentional making of false statements, or the amendment of records in order to deceive.

**Theft** is the dishonest appropriation of property belonging to someone else with the intention of keeping it permanently.

**Corruption** is the use of authority, action or advice in order to prevent or distort a decision.

All are normally for the purpose of personal gain. They may involve others, outside the organisation, through the making of false statements, or corruption by bribery of those within the organisation to seek to influence the decision making process.

9.2.1 Fraud, Theft and corruption can affect the Authority in two ways:

- from its employees, members, suppliers and trade customers
- from recipients of services

9.2.2 The Authority is committed to an effective anti-fraud, theft and corruption strategy designed to:

- encourage prevention

- provide deterrence
- promote detection, and
- identify a clear pathway for investigation

### **9.3 AIMS AND OBJECTIVES**

9.3.1 The aim of an anti-fraud policy statement is to establish ground rules which clarify that fraud will not be tolerated and spell out the consequences of fraud. One of the basic principles of this policy is to ensure proper use of the public's money in the operation and management of the fire and rescue service and to demonstrate that the Authority has a commitment to the highest level of ethical and moral standards. The policy statement also sets out the framework to ensure a fast and appropriate response to instances of alleged fraud. The overall objective is to limit the Authority's exposure to fraud and to minimise financial loss and the potential adverse affects on its image and reputation in the event of its occurrence.

### **9.4 SUMMARY OF POLICY**

9.4.1 The Authority will:-

- Institute and maintain cost effective measures and procedures to deter fraud.
- Take firm and vigorous action where appropriate against any individual or group perpetrating fraud against the Authority.
- Encourage employees to be vigilant and to report any suspicion of fraud, and provide suitable channels of communication and ensure sensitive information is treated appropriately.
- Rigorously investigate instances of alleged fraud and pursue perpetrators to seek restitution of any asset fraudulently obtained together with the recovery of costs.
- Assist the police and all other appropriate authorities in the investigation and prosecution of those suspected of fraud.

The detection, prevention and reporting of fraud is the responsibility of all Members and employees of Tyne and Wear Fire and Rescue Authority. The Authority expects the following of Members and employees:

- To act with integrity at all times;
- To comply with the seven principles of public life;
- To adhere to the appropriate Code of Conduct;
- To comply with Standing Orders and Financial Regulations; and

- To raise concerns as soon as any impropriety is suspected.

## **9.5 BACKGROUND AND LEGISLATION**

### **9.5.1 FRAUD ACT 2006**

A person is guilty of fraud if they are in breach of the following sections:-

- Section 2 - fraud by false representation,
- Section 3 – fraud by failing to disclose information, and
- Section 4 – fraud by abuse of position.

#### **9.5.1.1 Fraud by False Representation**

A person is in breach of this section if they:-

- (a) Dishonestly make a false representation, and
- (b) Intend, by making the representation:-
  - (i) to make a gain for themselves or others, or
  - (ii) to cause loss to another or to expose another to a risk of loss.

#### **9.5.1.2 Fraud by Failing to Disclose Information**

A person is in breach of this section if they:-

- (a) Dishonestly fail to disclose to another person information which they are under a legal duty to disclose, and
- (b) Intend, by failing to disclose the information:-
  - (i) to make a gain for themselves or others, or
  - (ii) to cause loss to another or to expose another to a risk of loss.

#### **9.5.1.3 Fraud by Abuse of Position**

A person is in breach of this section if they:-

- (a) Occupy a position in which they are expected to safeguard, or not to act against, the financial interests of another person,
- (b) Dishonestly abuse that position, and
- (c) Intend, by means of the abuse of that position –
  - (i) to make a gain for themselves or others, or

- (ii) to cause loss to another or to expose another to a risk of loss.

## **9.5.2 PROCUREMENT FRAUD**

- 9.5.2.1 Procurement fraud is a deliberate deception intended to influence any stage of the procure-to-pay lifecycle in order to make a financial gain or cause a loss. It can be perpetrated by contractors or sub-contractors external to the organisation, as well as staff within the organisation.
- 9.5.2.2 The nature of procurement fraud differs between the two core stages of the procurement lifecycle; pre-contract award and post-contract award. Fraud in the pre-contract award phase is complex, often enabled by a lack of compliance with policy, but also involving activity such as collusion and corruption which can be difficult to detect.
- 9.5.2.3 Fraud in the post-contract stage is considerably different. As contracts are already in place, most cases of fraud tend to involve overpayments to contractors, through false or duplicate invoicing, and payments for substandard work or work not completed under contract terms. Sharp practice and unlawful activity can also be present in the margins of post-contract award fraud. Examples of this includes overpricing for goods or services.

## **9.6 THEFT ACT 1968 AND THEFT ACT 1978 (as amended)**

- 9.6.1 The Theft Act 1968 defines a number of criminal offences including theft and the achievement of a gain through deception. These include the following:

### **Theft**

A person is guilty of theft if he/she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.

### **Obtaining Pecuniary advantage by Deception**

A person who by any deception dishonestly obtains for himself or another any pecuniary advantage.

### **Obtaining Services by Deception**

This includes remission or avoidance of a debt achieved through deception.

## **9.6.2 BRIBERY ACT 2010**

- 9.6.3 The Bribery Act of 2010 has introduced the offences of offering and receiving a bribe. It places specific responsibility on the Authority to have in place sufficient and adequate procedures to prevent bribery and corruption taking place. Under the Act, Bribery is defined as “Inducement for an action which is illegal unethical or a breach of trust. Inducements can take the form of gifts loans, fees rewards or other privileges. Corruption

is broadly defined as the offering or the acceptance of inducements, gifts or favours payments or benefit in kind which may influence the improper action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

- 9.6.4 To demonstrate that the Authority has in place sufficient and adequate procedures and to show openness and transparency all staff are required to comply with the requirements of Declaration of Interest Policy. Should members of staff wish to report any concerns or allegations, they should contact the Authority's Bribery Compliance Officer (or equivalent)

## **9.7 ANTI-FRAUD STRATEGY**

The Fire Authority's current arrangements are aimed at tackling fraud, corruption, theft, and breaches of regulations.

The arrangements can be categorised under the following main headings:

- culture
- raising concerns
- prevention (e.g. effective control systems)
- detection and investigation
- training

They are supported by scrutiny of the Authority's affairs by a range of bodies and individuals, including:

- Our external auditor;
- Our internal auditors;
- Central government departments / inspectorates
- H M Revenue and Customs
- Authority residents and businesses;
- Suppliers;
- Service Users; and
- Employees of the Authority.

## **9.7.1 CULTURE**

- 9.7.1.1 The Authority's culture is intended to foster honesty and integrity, and to support the seven principles of public life. These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Both Members and employees are expected to lead by example in adhering to regulations, procedures and practices.
- 9.7.1.2 Equally, members of the public, clients and external organisations (such as suppliers and contractors) are expected to act with integrity and without intent to commit fraud against the Authority in any dealings they may have with the Authority. As part of the culture the Authority will provide clear routes by which concerns can be raised by both Members and employees, and by those outside the service. The Authority has in place an independent, confidential whistle-blowing 'hotline, Safecall (0870 2410762) which is available 24 hours per day. This can be used to raise concerns about any matter of Authority business. Reports taken via the 'hotline' are sent directly to the Fire and Rescue Service Investigating Officer thereby bypassing the normal chain of command and ensuring a prompt response. The availability of this facility to staff, suppliers and other third parties has been communicated.

## **9.8 RAISING CONCERNS**

- 9.8.1 Members, employees and the general public are an important element in the Authority's stance on fraud and corruption. They are encouraged to raise any concerns they may have in respect of fraud and corruption. A number of different channels for communication are available, including line managers, auditors, senior officers, and Members.
- 9.8.2 This Code of Conduct gives further guidance on how to raise concerns and the support and safeguards available to those who do so. These safeguards offer a framework of protection against victimisation or dismissal and may include identity concealment and protection from harassment.
- 9.8.3 Members of the public may also use the Authority's complaints procedure for this purpose where appropriate. Line managers and directors are responsible for following-up any allegations of irregularity; it is their responsibility to inform the Brigade Manager HR immediately of such allegations and the results of their investigations.
- 9.8.4 Concerns may also be reported directly to the Safecall confidential reporting line (0870 2410762) by any employee, contractor or supplier.
- 9.8.5 The Authority and its senior management are committed by this policy to deal firmly with any proven financial malpractice. Where, after a proper audit investigation carried out by or on behalf of the Finance Officer, there is evidence that financial impropriety has occurred, the Authority will normally expect the circumstances to be referred to the Police for advice, further investigation, and prosecution of the offender if considered

appropriate by the Crown Prosecution Service. The decision to refer to the Police may be made by either the Finance Officer, the Chief Fire Officer or the Monitoring Officer. It is the Authority's decision to make reference to the Police and no other employee is authorised to make such a referral without the authority of one of the three posts listed above.

- 9.8.6 Where the outcome of audit or Police investigation indicates improper conduct by an employee, the Authority's Disciplinary Procedures will normally be applied by the senior managers of the service concerned. The recovery of defrauded funds is an essential part of the Authority's strategy.
- 9.8.7 When it is found that fraud or corruption has occurred due to a breakdown in the Authority's systems or procedures, the Chief Fire Officer, in consultation with the Finance Officer, are responsible for ensuring that appropriate improvements in systems of control are implemented in accordance with audit recommendations.
- 9.8.8 The Authority will work with the Police and the Crown Prosecution Service to ensure that the provisions within the Proceeds of Crime Act 2002 and the associated Money Laundering Regulations are used to full advantage should a fraud have occurred.

## **9.9 PREVENTION**

- 9.9.1 The Authority has a series of comprehensive and inter-related procedures to ensure proper conduct of its affairs, which comprise:
- Standing Orders;
  - Financial Regulations;
  - Code of Conduct for Members;
  - Code of Conduct for Employees;
  - Codes of Conduct issued by relevant Professional Institutes;
  - Financial Regulations;
  - Local Government Act 1972 - Section 117;
  - Local Government Act 1972 - Section 151;
  - Accounts and Audit Regulations 1996;
  - Public Interest Disclosure Act 1998;
  - Complaints Procedures;
  - Whistle Blowing Arrangements

- Disciplinary Procedure; and
- IT Systems Security Policy.
- Information Security Policy
- Acceptable Use Policy (ICT)

9.9.2 Internal audit undertake an annual programme of reviews which is closely aligned with the organisation's risk base, designed to provide the assurance over the systems of internal control. The system of internal control is based on an on-going process designed to identify the principal risks, to evaluate the nature and extent of those risks and to manage them effectively. Managing the risk of fraud forms part of this process.

9.9.3 The assessment of the internal financial controls in particular involves electronic data interrogation techniques which closely focuses internal audit's detailed substantive work on identified areas of concern and therefore assists towards fraud prevention.

9.9.4 Members are expected to adhere to and to operate within:

- Standing Orders and Financial Regulations
- The Code of Conduct for Members

9.9.5 These matters are brought to the attention of elected Members following their election or as part of their declaration of acceptance of office. The Authority has adopted a Code of Conduct for its elected Members and its independent Members and they are required upon appointment to the Authority to sign an undertaking to comply with the Code of Conduct before they act as members of the Authority and must also register their financial and other interests with the Monitoring Officer within 28 days of appointment to the Authority. It is the duty of the Member to notify the Monitoring Officer of any changes to their original registration.

9.9.6 Employees are required to operate within the following guidelines:

- A key measure in the prevention of fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential employees in terms of their propriety and integrity. Written references for potential employees are obtained as part of the recruitment process.
- Employees, once recruited, are expected to adhere to the Authority's Code of Conduct for Employees and to follow standards of conduct issued by their personal professional institute, where applicable.
- Disciplinary Procedures for all categories of employee will be applied to deal with improper conduct.

9.9.7 The following internal control measures are also in force:

- The Monitoring Officer has a duty to report to the Authority where it appears to them that any proposal, decision or omission by the Authority, a committee, a sub-committee or officer has given rise to, (or is likely to give rise to), a contravention of any enactment, rule of law or statutory code of practice.
- The Finance Officer has a statutory responsibility under Section 73 of the Local Government Act 1985 to ensure the proper administration of the Authority's financial affairs.
- Under the Accounts and Audit Regulations 1996, the Authority is required to maintain an adequate and effective system of internal audit. Internal auditors evaluate risks and review the adequacy of control within the Authority.
- Operational systems and procedures will incorporate efficient and effective internal controls, both financial and non-financial. Managers are required to ensure that such controls, including those in a computerised environment, are properly maintained and documented. The existence and appropriateness of controls is independently monitored by Internal Audit and the Governance Committee.

## **9.10 DETECTION AND INVESTIGATION**

9.10.1 Whilst having regard to the requirements of the Data Protection legislation, the Authority actively participates in an exchange of information with external agencies on fraud and corruption activity in relation to public bodies. This includes the national fraud initiative where data from all public sector bodies is shared and analysed.

9.10.2 The operation of preventive systems, particularly internal control systems within the Authority, help to deter any fraudulent activity. However, such activity may nevertheless occur. It is often the alertness of elected Members, staff and the general public to the possibility of fraud and corruption that leads to detection of financial irregularity. In such a situation the Authority has in place arrangements to enable any such information to be properly dealt with, investigation and detection to occur, and appropriate action to be taken.

9.10.3 The Financial Regulations and the Authority require that the Finance Officer be informed of financial control, including matters which involve, or may involve, financial irregularity. Reporting of suspected irregularities is essential as it: facilitates a proper investigation by experienced staff, and ensures the consistent treatment of information regarding fraud and corruption.

9.10.4 The Finance Officer and Chief Fire Officer jointly shall investigate failures of financial control, including matters which involve, or may involve, financial irregularity.

- 9.10.5 If a serious irregularity is confirmed the matter shall be reported to the Monitoring Officer, the Chief Fire Officer, and the Personnel Advisor to the Authority.

### **9.11 ANTI-BRIBERY POLICY**

- 9.11.1 The Authority's Standing Orders cover the procedures to be followed when purchasing goods or services on behalf of the Authority. Any offer during this process that may be considered as an inducement or bribe from a potential or successful tenderer or supplier must be reported to the Finance Officer. Acceptance of any such offer will be dealt with through the Authority's disciplinary policy as gross misconduct.

### **9.12 TRAINING**

- 9.12.1 An important contribution to the continuing success of an anti-fraud strategy, and its general credibility, lies in the effectiveness of programmed training, of both Members and employees, throughout the organisation.
- 9.12.2 This will be achieved through the development of both induction and refresher training for all personnel involved in internal control systems to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced.

### **9.13 CONCLUSION**

- 9.13.1 Tyne and Wear Fire and Rescue authority is committed to combating fraud, corruption and financial impropriety wherever it may arise in relation to any of the Authority's activities or services. This involves any Authority Member, employee, member of the public or third party associated with the Authority's activities.
- 9.13.2 The Authority has in place a clear network of systems and procedures to prevent and detect fraud and corruption. These arrangements should keep pace with any future developments in techniques for preventing and detecting fraudulent activity.
- 9.13.3 To this end the Authority maintains a continuous overview of such arrangements. Through the Finance Officer it will ensure a regular review of Standing Orders, Financial Regulations, key control systems and audit arrangements is conducted.

## **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, bribery 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 is ongoing.
- 10.2 **Line Manager is NOT involved or suspected** – In normal

circumstances, you should report any allegations of malpractice, bribery 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, as soon as possible, report the allegations to the Fire and Rescue Service Investigating Officer<sup>1</sup>.

- 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 Area Manager. That Officer will record all details and report, as soon as practicable, to the Fire and Rescue Service Investigating Officer. If the allegations involve the Area Manager, then a report should be made directly to the Fire and Rescue Service Investigating Officer.
- 10.4 Elected Members of the Authority should report any allegations directly to the Chief Fire Officer. In the case of any potential involvement by the two aforementioned officers, Elected Members should liaise directly with the Monitoring Officer.
- 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). If it is believed that a Brigade Manager 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 C). 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.

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<sup>1</sup> The Fire and Rescue Service Investigating Officer is the Brigade Manager, HR – In that officer's absence on leave etc, the Chief Fire Officer will appoint another Brigade Manager to act instead.

## **11 INVESTIGATING ALLEGATIONS OF IRREGULARITIES**

- 11.1 The Fire and Rescue Service Investigating Officer will cause any allegations made, to be investigated under due process in accordance with Admin Procedure 3.5.
- 11.2 If and when there is prima facie evidence that a criminal offence has been committed, the situation may be referred to the Police.
- 11.3 In the event of allegations or evidence indicating that financial irregularities have occurred, the Fire and Rescue Service Investigating 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 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 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 criterion for 'interests' is 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 A) 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, 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 Monitoring Officer by the HR 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 HR 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 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. 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 Brigade Manager, responsible for HR, Learning & Development immediately via e-mail and that Officer will determine a suitable charity.

12.2.5 In all cases, a form 'Register of Gifts', number 0380 (Appendix B) must be completed and forwarded to your line manager. Your line manager will check and then authorise the form and forward it to the HR Department. A record of every gift/gratuity received by an individual will be recorded on a Register of Gifts, available within the HR 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.

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.

12.3.6 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 HR Manager.

### **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, bribery, 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' Safecall (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 thereby bypassing the normal chain of command and ensuring a prompt response. If it is believed that a Brigade

Manager could be involved, the Clerk to the Fire Authority will be informed and will take any necessary action. If it is believed that the Chief Fire Officer could be involved, the Deputy Clerk/Monitoring Officer will be informed.

- 13.4 The confidential 'hotline' number Safecall (0870 – 2410762) is well publicised within the Authority by posters located in all Authority premises and by information published on the Service Intranet. 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, harassment and victimisation. 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 Fire and Rescue Service Investigating 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. 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 table shown as Appendix D 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, copies of the disciplinary and grievance procedures are available on the Intranet.

## **15 VISITORS AND GUESTS TO SERVICE PREMISES**

15.1 It is accepted that there will be occasions when personnel may have guests or family members visit them on service premises e.g. those locations operating duty systems such as DC (CC). On these occasions the host employee is wholly responsible for the behaviour, health, safety and welfare of their guests while on service premises.

15.2 Staff must ensure their visitors remain within designated areas at all times and do not access parts of the premises that are not authorised for public access.

15.3 Staff must ensure their guests do not cause any nuisance or annoyance to other members of personnel or neighbours of the site.

15.4 Guests or visitors are not permitted to bring any pets or other animals on to service premises (unless they are used to assist a disabled person e.g. a guide dog)

15.5 Any persons under the age of sixteen visiting the premises must be accompanied by an appropriate adult who will ensure they remain supervised in the event of all operational personnel responding to an emergency call.

## **16 WORK RELATED SOCIAL EVENTS**

16.1 The Authority recognises that its employees are offered the opportunity to attend work related social events from time to time. Although these social events usually take place away from the workplace and outside normal working hours, the Authority's standard code of conduct applies to such events. Whilst the Authority does not wish to put a dampener on employees' enjoyment of social events, it is in everyone's interest for staff to conduct themselves in an appropriate manner for the protection and comfort of all. Specifically, employees who attend work-related social events should be aware of the following guidance:

- Employees should be mindful of their alcohol intake at work related social events, irrespective of whether the Authority provides or pays for the drinks.
- It is strictly forbidden for any employee to use illegal drugs, including cannabis, at any work related social event whether on Authority premises or not.

- Any behaviour intended to offend or can be deemed offensive or that brings the Service into disrepute must be avoided at work related social events.

Any breach of the above expectations may render the employee liable to action under the Service's disciplinary procedure.

- 16.2 The code of conduct is in place for the benefit of all members of staff and to ensure that everyone can enjoy work related social events in an atmosphere of conviviality without fear of being made to feel uncomfortable by another employee's conduct.

## **17 PERSONAL RELATIONSHIPS AT WORK**

- 17.1 The Service is committed to building an organization in which high standards of conduct in the area of personal relationships at work are maintained.

- 17.2 The Service recognises that as employees spend the majority of their week working with each other in teams, the development of a close personal relationship may happen. In the majority of cases, it is unlikely that a relationship between colleagues would have an impact on the work of the Service. However, from time to time an intimate relationship between two employees may interfere or threaten to harm the work of the Service.

- 17.3 Employees who embark on close personal relationships with work colleagues do need to be aware of their behaviour towards each other, particularly whilst at work. The Service also expects that employees involved in such relationships recognise that overt displays of affection could embarrass other employees. In most cases any perceived difficulties caused by employees' relationships should be resolved in the first instance in an informal manner.

## **18 CONFLICT BETWEEN THIS CODE AND THE DISCIPLINE PROCEDURE**

- 18.1 In the event of a conflict between the provisions of this Code and the content of the Discipline Procedure, the latter shall prevail.

## **19 MONITORING AND REVIEW**

- 19.1 The Chief Fire Officer will review this code of conduct every two years.
- 19.2 All records appertaining to this code will be reviewed at the same frequency to the above.



**APPENDIX B**

**TYNE AND WEAR FIRE AND 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)

**Role/Grade** \_\_\_\_\_ **Number** \_\_\_\_\_ **Location** \_\_\_\_\_

**Gift/Gratuity/hospitality accepted:** \_\_\_\_\_

\_\_\_\_\_  
**Company/individual offering gift/gratuity/hospitality:** \_\_\_\_\_

**Brigade Manager Informed by e-mail:** \_\_\_\_\_

**Employee**                      **Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Line Manager**                **Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**FORWARD TO THE BRIGADE MANAGER, HR**

**Donated to:** \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**FORWARD COMPLETED FORM TO HR DEPARTMENT FOR FILING ON PRF**

## **APPENDIX C**

### **COMPLIMENTS, COMMENTS AND COMPLAINTS**

***Tyne and Wear Fire and Rescue Authority will provide a fire and rescue service to our community which seeks to eliminate preventable fire fatalities and casualties, reduce property loss and minimise environmental damage.***

*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, 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 are responsible for providing a fire, rescue and fire safety service for the community within 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

### **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 services. 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.

**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 or e-mail**

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;

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](mailto:complaints@twfire.gov.uk) or

Write to: -

Part 5 – Codes of Conduct

The Chief Fire Officer, Fire  
Service Headquarters  
Nissan Way  
Barmston Mere Sunderland  
SR5 3QY

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

**APPENDIX D**

<b>Form of Conduct</b>	<b>Minor Misconduct or Performance Issues</b>	<b>Serious Misconduct</b>	<b>Gross Misconduct</b>
<b>Theft &amp; Fraud</b>	N/A	N/A	Stealing from the Authority or colleagues  Giving false evidence of incapacity for work
<b>Behaviour</b>	Allowing unauthorised person(s) on the premises.  Unauthorised Absence	Failure to comply with a reasonable request  Abusive, insulting behaviour  Incapacity through substance misuse  Persistent unauthorised absence	Gross indecency  Malicious damage to employee's or Authority property  Breach of confidentiality  Bullying  Misuse of Authority property or vehicle(s)
<b>Performance</b>	Poor performance despite training	Persistent failure to meet job requirements	Grossly negligent performance
<b>Absence</b>	Failure to follow absence reporting rules  Recurring absences	Prolonged Absence	Persistent unauthorised Absence
<b>Fairness and Equality</b>	Use of inappropriate language	Failure to observe the Fairness and Equality Policy	Serious discriminatory behaviour including harassment
<b>Time-keeping</b> (within the terms of the appropriate duty system)	Frequent lateness	Persistent lateness	N/A

Part 5 – Codes of Conduct

<b>Health and Safety</b>	Failure to wear protective equipment Failure to observe safety policy	Persistent failure to wear protective equipment Persistent failure to observe safety policy	Serious cases involving gross breach of safety policy
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