



STAFF CODE OF CONDUCT

1. INTRODUCTION

The ACAS Code of Practice on Disciplinary and Grievance Procedures states:

'It is important that workers know what standards of conduct and performance are expected of them. The Employment Rights Act 1996 (section 1) requires employers to provide written information for their employees about certain aspects of their disciplinary rules and procedures. Managers should also know and be able to apply the rules and the procedures they are required to follow.'

As far as possible the code is expressed in positive language to demonstrate the standards of performance and conduct that can reasonably be expected. There is, however a requirement within the ACAS Code to give a clear indication of the type of conduct, often referred to as gross misconduct, which may warrant summary dismissal (ie dismissal without notice). This is attached at Appendix A.

2. ROLE OF THE AUTHORITY

The Authority recognises that it also has responsibilities towards its employees. It intends to provide a safe and healthy working environment, operate in accordance with equal opportunities legislation and policies, develop and train staff, and generally act as a good and modern employer. More detail on these aspects of the Authority's commitment towards its staff are to be found in the various office and human resources policies and procedures.

3. STATUS OF THE CODE

This code sets out the principles which guide the conduct of Authority Officers (i.e. those officers who are under the direct control of the Authority itself rather than the Chief Constable). It does not seek to restrict discretion which has been lawfully delegated within management systems: rather it aims to define the parameters of conduct within which that discretion should be exercised. It is, however, important to note that any breach of the principles of this Code may result in action being taken within the Disciplinary Procedure, which in exceptional cases could lead to dismissal.

4. APPLICATION OF THE CODE AND ACCOUNTABILITY

The Code applies to all Lancashire Police Authority Officers who must be accountable to the Authority for their actions.

5. STANDARDS

Lancashire Police Authority Officers are expected to provide the highest standards of service to the public, and (where it is part of their duties) to provide appropriate advice to Members of the Authority, Constabulary Officers and fellow Officers with impartiality. Officers will be expected without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.

6. HONESTY AND INTEGRITY

Colleagues, Authority Members and members of the public must have faith in the honesty and integrity of Authority Officers. They must be open and truthful in their dealings; avoid being improperly beholden to any person or institution; declare any potential conflict of interest, e.g. secondary employment or business interest; and discharge their duties with integrity.

7. FAIRNESS AND IMPARTIALITY

Authority Officers have a particular responsibility to act with fairness and impartiality in their dealings with public and colleagues. They must act in accordance with the Authority's Equal Opportunities Policy (attached at Appendix C). They must observe any lawful restrictions on political activity.

8. POLITENESS AND TOLERANCE

Authority Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive, deriding or stereotyping behaviour. They must avoid favouritism of an individual or group; all forms of harassment, bullying, victimisation or unlawful discrimination.

Authority Officers must observe the Authority's Anti-Discrimination Code of Conduct which is attached at Appendix B.

9. USE OF FORCE AND ABUSE OF AUTHORITY

Authority Officers must only act within their lawfully delegated authority. They must never expressly state or imply, e.g. by use of their office pass, that they are police officers.

10. PERFORMANCE OF DUTIES

Authority Officers should be conscientious and diligent in the performance of their duties. Officers should maintain attendance records; observe sickness reporting procedures; and obtain prior permission for absence whether on annual leave or any other category of leave. They should be aware of the requirements of the Authority's Attendance Policy, including the actions and sanctions that may be taken against individuals with persistent actionable attendance records. If absent through sickness or injury, they should avoid activities likely to retard their recovery and return to duty. They must observe equal opportunities, health and safety, fire safety and smoking policies and instructions.

11. LAWFUL ORDERS/POLICIES AND PROCEDURES

Authority Officers must follow all lawful and reasonable instructions and abide by the provisions of all relevant statutes, regulations and Authority policies and procedures.

12. CONFIDENTIALITY/ DISCLOSURE OF INFORMATION/MEDIA RELATIONS

The Authority has a practice of encouraging openness and transparency in the transaction of its business. However, information which comes into the possession of the Authority should not be used for personal benefit, and the implications of the Data Protection Act must be observed in its disclosure if it is of a personal nature. Officers should also respect as confidential all information about Authority policy such as Part 2 agenda items unless authorised to disclose it the course of their duties. Only authorised staff may provide information or give interviews to the media and must at all times operate in accordance with the media handbook.

13. APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

Police Authority Officers involved in appointments should ensure that these are made solely on the basis of merit. In order to avoid any possible accusation of bias, officers should not be involved in an appointment where they are related to an applicant, or have close personal relationship outside work with him or her. Officers should not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative, partner etc.

14. TENDERS/CONTRACTING OUT

Authority Officers who are privy to confidential information on tenders or cost for either internal or external contractors should not disclose that information to any unauthorised party or organisation. Orders and contracts must be awarded only on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example friends, partners or relatives in the tendering process. No part of the local community should be discriminated against or given preferential treatment.

15. GIFTS AND HOSPITALITY

Authority Officers must be aware that it is a serious criminal offence for them corruptly to 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 their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

Hospitality provided on behalf of the Police Authority should be justifiable and approved by the Chief Executive.

An officer must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Chief Executive of the existence and nature of that gift or hospitality before accepting it. Gifts below £25 should not be accepted either if they may be perceived as likely to influence the officer in the conduct of his/her duty.

16. CRIMINAL OFFENCES

Authority Officers must report to the Chief Executive any proceedings for a criminal offence taken against them.

17. PROPERTY

Authority Officers must use the Authority's resources for authorised purposes only and must take reasonable care to prevent loss or damage. Officers should be aware that intellectual property or copyright created during their employment are generally the property of the Authority.

18. APPEARANCE

Authority Officers are required to be smart and clean in appearance during working hours. This also applies when representing the Authority at external meetings/events or when conducting official business.

EXAMPLES OF MINOR MISCONDUCT

1. Minor time wasting
2. Occasional lateness
3. Minor instances of insubordination.

EXAMPLES OF SERIOUS MISCONDUCT

1. Significant unauthorised absences from work
2. Persistent or serious instances of insubordination
3. Persistent bad timekeeping
4. Continued repetition of previous offences

EXAMPLES OF GROSS MISCONDUCT

A member of staff who commits any of the following offences will be liable to dismissal without notice unless there are mitigating circumstances:

1. theft or attempted theft on the Authority's premises or during the course of employment;
2. fraudulent manipulation or falsification of accounts, financial statements or other official records (attendance records and travel claims);
3. misappropriation or attempted misappropriation of the Authority's funds or resources;
4. acceptance of gifts and hospitality in contravention of the Prevention of Corruption Acts 1906 and 1916;
5. failure to give notice of any pecuniary interest of which he/she is aware, in a contract which has been, or is proposed to be entered into by the Authority;
6. serious wilful misrepresentation at the time of appointment, including:
 - previous positions held
 - qualifications held
 - date of birth
 - declaration of health
 - failure to disclose relationship to any member of the Police Authority or senior officer/member
 - failure to disclose a criminal offence in accordance with the provisions of the Rehabilitation of Offenders Act or the Children Act

- serious wilful misrepresentation at any time during employment in connection with qualifications held;
7. incapability where the consumption of alcohol and/or misuse of drugs impairs the satisfactory performance of the employee's duties;
 8. physical or indecent assault and deliberate acts of harassment and bullying, including acts motivated by gender, race, religion, sexual orientation or disability, connected with or during the course of employment or on the Authority's premises;
 9. deliberate disclosure of privileged and confidential information to unauthorised people including breaches of confidentiality, the Data Protection Act or the disclosure of commercially sensitive information;
 10. conviction for a criminal offence outside the working situation which substantially affects the performance of his/her employment (or the relationship with other officers or Members of the Authority);
 11. malicious or wilful damage perpetrated during the course of employment or on the Authority's premises;
 12. any wilful or reckless act or omission constituting a serious danger to the health or safety of any person;
 13. breach of the IS/IT policy, including unauthorised entry or alteration of computer records;

It is unlikely that any code of conduct or set of disciplinary rules would cover all the circumstances which may lead to disciplinary action.

It is emphasised that there could be other situations not specified in this document which may result in disciplinary action, including dismissal.

ANTI-DISCRIMINATION CODE OF CONDUCT

1. The Members and Officers of Lancashire Police Authority do not accept and are committed to preventing sexual, racial or any other form of direct or indirect discrimination, harassment or bullying.
2. We understand that a person can be subjected to discrimination or harassment on many grounds including his or her:
 - Race;
 - Gender;
 - Religious or political beliefs;
 - Disability, sensory impairments or learning difficulties;
 - Age (or youth); and
 - Sexual orientation.
3. We do not expect people to live or work in conditions where discrimination, harassment or bullying takes place.
4. We have a personal responsibility not to behave offensively to others either in word or deed. Offensive behaviour can manifest itself in many ways:
 - verbal remarks;
 - non-verbal suggestion;
 - offensive objects/printed material/photographs;
 - physical bullying;
 - persistent criticism; and
 - other behaviour e.g. practical jokes and gossip.
5. We undertake to treat everyone with whom we come into contact with dignity and respect and carry out our duties with integrity and to the highest professional standards.
6. We will work to ensure that all members of the community, and particularly ethnic and other minority communities, are treated fairly and without prejudice; that they are given the opportunity to comment on, and be involved in the work of the authority and force; and that they receive a policing service which is sensitive and appropriate to their needs.

EQUAL OPPORTUNITIES POLICY

1. INTRODUCTION

- 1.1. This policy provides officers with relevant information about the Authority's requirements, arrangements and procedures to create an environment where there is equality of opportunity for its staff, prospective staff and the recipients of its services.
- 1.2. It also provides individuals with relevant information about the standards of behaviour and performance that is required of them.
- 1.3. It makes everyone in the Authority aware that discrimination and harassment will not be tolerated. Such conduct is unacceptable and will be challenged. It may also leave the individual and/or Authority liable in law. Ignorance of the legal position is not a valid defence.
- 1.4. The Lancashire Police Authority is committed to the principles of equal opportunity.
- 1.5. It aims to ensure that no job applicant or employee should receive less favourable treatment on any grounds not relevant to good employment practice.

2. AIMS

To create an environment where there is equality of opportunity for the recipients of the Authority's services and the people who work for the Authority.

- 2.1. To ensure Officers are aware of the standards of behaviour and performance that the Authority requires from them.
- 2.2. To ensure compliance with legal requirements.
- 2.3. To ensure ownership, accountability and responsibility for Equal Opportunities throughout the Authority.
- 2.4. To ensure that there are no unjustifiable barriers to the services that the Authority provides.
- 2.5. To strive to reflect the diverse community served by the Authority in the make up of its workforce.
- 2.6. To promote the understanding and acceptance that the Authority operates in an environment that is free from discrimination, harassment and bullying, where everyone is treated fairly and without prejudice.
- 2.7. To make explicit the commitment of Lancashire Police Authority to Equal Opportunities in its role as an employer.
- 2.8. To provide a corporate framework for grievance handling by managers and

individuals.

- 2.9. To make clear the systems and processes that are available to support the achievement and maintenance of the Equal Opportunities Commitment.
- 2.10. To promote Lancashire Authority as an employer of first choice among all sections of the community.

3. POLICY STATEMENT

- 3.1. All policies and procedures will be administered in non-discriminatory manner to those to whom they apply.
- 3.2. The Authority will aim to ensure that through its recruitment and selection procedures it provides equality in opportunities for employment so that its employees reflects the diversity of the community of Lancashire, irrespective of sex, age, marital status, disability, sexuality, race, colour, religion, ethnic or national origin.
- 3.3. The Authority will treat all its employees with dignity and respect and will provide an environment free from unlawful discrimination, victimisation or harassment on the grounds of sex, age, marital status, disability, sexuality, race, colour, religion ethnic or national origin.
- 3.4. The Authority gives all employees equal opportunity and encouragement to progress within the Authority through the development of their skills and abilities using training and development programmes as appropriate.
- 3.5. Officers also have a responsibility to ensure that they apply the principles of equal opportunity when dealing with members of the public.
- 3.6. Individuals who feel they have grounds for complaint in relation to their treatment by the organisation or by individuals should raise the matter by writing to the Chief Executive. Behaviour, or alleged behaviour, which is in breach of this policy will be taken seriously, be fully investigated and be subject to disciplinary procedures.
- 3.7. All members of the Authority's staff, without exception, must observe the requirements of the Equal Opportunities policy and its principles and positively promote and maintain an equalities culture.

4. DETAILS OF APPLICATION

Recruitment and Selection

- 4.1. Lancashire Police Authority will continuously strive to ensure that the recruitment and selection process results in appointing the best candidate for the job as determined by merit.
- 4.2. This will be achieved by ensuring equality of opportunity for all and by promoting fair and non-discriminatory practices and procedures.
- 4.3. To this end:-

- 4.3.1. The Authority will seek to recruit from as wide a pool of applicants as possible in order to reflect the diverse community of the County it serves.
- 4.3.2. Only relevant and objective job criteria, requirements and conditions will be applied in the recruitment and selection process.
- 4.3.3. Maximum use will be made of objective selection criteria based on skills and competency supported by evidenced professional judgement.
- 4.3.4. Each applicant will be assessed according to his or her ability to meet the necessary requirements of the job.
- 4.3.5. Recruitment and selection will be carried out by appropriately trained staff, with support and advice available from Human Resources professionals.
- 4.3.6. All applicants will be informed that Lancashire Authority is fully committed to the achievement of Equal Opportunities and operates an Equal Opportunities Policy.
- 4.3.7. All reasons for selection and rejection of applicants for vacancies will be recorded and monitored.
- 4.3.8. Information will be given to applicants at the outset of the process and constructive feedback will be available to unsuccessful applicants.

5. STAFF DEVELOPMENT/PROMOTION

Lancashire Police Authority will ensure that officers have the opportunity make known their development goals. The key elements of the process are:

- 5.1. Promotion/selection criteria are skills or competency based and should be explicit.
- 5.2. All managers have a responsibility to support staff in developing their relevant skills, and to establish jointly agreed measurable targets. This will be carried out through the Performance and Development Review process (PDR)
- 5.3. The PDR process delivers reliable, valid and objective information on current performance and career aspirations for all staff.

6. POSITIVE ACTION AND GENUINE OCCUPATIONAL QUALIFICATIONS

- 6.1. Positive action will be used to encourage under-represented groups to join the Authority.
- 6.2. The Authority will continue to identify and remove unnecessary/unjustifiable barriers and develop appropriate facilities and conditions of service to meet the specific needs of under-represented groups.
- 6.3. Genuine occupational qualifications will be used, where necessary, to recruit suitably qualified people to meet the special needs of particular groups.
- 6.4. Selection must be on merit.

7. RELIGION

Religious diversity is a feature of the profile of Lancashire which the Authority has to take into account in the delivery of equal opportunities. In service delivery, due regard must be taken of the special requirements of the different faith groups. Managers should take into account the need for staff to book leave in accordance with their religious calendar.

8. SEXUAL ORIENTATION

The Authority in its service delivery and conditions of service for staff must ensure that there is no bias against people from the Lesbian, Gay or Transgender communities (The Employment Equality (Sexual Orientation) Regulations 2003). Policies and procedures need to project an inclusive vision of the diversity of Lancashire.

9. TRAINING

9.1. It is the policy of Lancashire Police Authority that there will be no discrimination in the provision of training. Appropriate training will be provided to enable staff to perform their functions effectively. This may include the development of training methods that do not require attendance at specific centres.

9.2. In the provision of training courses Lancashire Police Authority will bear in mind the needs of staff returning from career breaks. Arrangements for courses should take into account the needs of a diverse workforce, who may work full time/part-time, have a disability; have domestic commitments or certain dietary/cultural needs.

9.3. The Authority's Managers are responsible for ensuring that the operation of the training function is consistent with the principles of the Equal Opportunities policy. This will include the responsibility of providing information on the gender/race breakdown of staff that have used training resources.

10. WORK-LIFE BALANCE

The Authority is committed to improving opportunities for staff to achieve the optimum work-life balance. This will include the investigation, consideration, implementation and evaluation of such issues as flexible working patterns, maternity and paternity arrangements, care of dependants of all ages and partners (including same sex partners) adoption leave, part-time working, job shares, voluntary reduced hours, career breaks and child care support.

11. SERVICE DELIVERY

11.1. Lancashire Police Authority is committed to fair and non-discriminatory treatment in the discharge of all its functions.

11.2. The Race Relations (Amendment) Act 2000 places a duty on all members of the Authority's staff to operate in a non-discriminatory manner. It also requires the service to promote equality between different racial groups.

11.3. The Authority's interaction with the communities of Lancashire must be undertaken in a fair and non-discriminatory way through consultation and co-operation. In the development of policies and procedures due regard must be

taken of the likely impact on different racial groups.

- 11.4. The Authority will ensure that people with a range of disabilities have access to Authority services.
- 11.5. Whilst the primary responsibility for delivering a non-discriminatory service rests with managers, all members of staff are individually responsible for ensuring that it is effectively administered.
- 11.6. To achieve this, the Authority will ensure that staff are trained in the knowledge, awareness and development of skills required for them to produce a customer focused performance and to facilitate a strong and committed relationship with the diverse communities that they serve.

12. MONITORING

- 12.1. Lancashire Police Authority will monitor the effectiveness of the Equal Opportunities Policy, to determine whether equal opportunities are being consistently and fairly delivered. Where monitoring data reveals any cause for concern urgent remedial action will be taken by the Authority.
- 12.2. The Chief Executive will produce reports to the Human Resources Committee on the operation of Equal Opportunities in the Authority at least once a year. The reports will contain information on the profile of the Authority staff by gender, race and disability and ensure compliance with the Authority's Race Equality Scheme under the Race Relations (Amendment) Act 2000

13. RESPONSIBILITY

- 13.1. Individual managers are responsible for ensuring that this policy is applied in their teams.
- 13.2. Constabulary Human Resources managers will provide advice on matters contained in this policy.
- 13.3. The Chief Executive is responsible for the maintenance, updating and monitoring of the Equal Opportunities Policy.
- 13.4. Revisions or amendments to this policy will be referred to the Authority for approval. The Chief Executive is responsible for ensuring their implementation.

14. Definitions

- 14.1. Definitions of frequently used equal opportunities terms are attached at Annex A

Glossary and Definitions

1. **Direct discrimination** is less favourable treatment of a person on the grounds of race, sex, disability, age, sexuality and religion and belief than others in the same or similar circumstances. Some forms of direct discrimination are unlawful.
2. **Indirect discrimination** occurs where A applies to B a provision, criterion or practice which applies equally to other people and:
 - 2.1. That provision puts a person of B's race, gender, disability, sexuality, age or religion or belief at a disadvantage and
 - 2.2. B suffers that disadvantage and
 - 2.3. Which A cannot show to be a proportionate means of achieving a legitimate aim.
3. **Institutional Racism** is defined in the Macpherson report as "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people".

This principle can be applied to other forms of disadvantage.

4. **Racist Incident** is defined as "any incident which is perceived to be racist by the victim or any other person".
5. **Race Discrimination** occurs where because of their race, colour, nationality ethnic or national origin a person is treated less favourably than a person of a different group in the same or similar circumstances unless there are objective reasons for doing so.
6. **Discrimination on the grounds of religion and belief** occurs where because of their religion or belief, a person is treated less favourably than a person with a different religion or beliefs in the same or similar circumstances unless there are objective reasons for doing so. This applies in the context of employment only.
7. **Sex Discrimination** occurs where because of their gender, a person is treated less favourably than a person of the opposite gender in the same or similar circumstances unless there are objective reasons for doing so.
8. **Disability discrimination** occurs when because of a disability a person is treated less favourably than a person without disability or with a different disability is in the same or similar circumstances unless there are objective reasons for doing so. Unlike other areas of equality in which specific legislation exists, there is no distinction between direct and indirect disability discrimination.

9. **Age discrimination** occurs when because of age; a person is treated less favourably than people of other age groups in the same or similar circumstances unless there are objective reasons for doing so. Whilst older people are generally perceived to be the victims of age discrimination, those aged under 25 are also particularly vulnerable.
10. **Discrimination on the grounds of sexuality** occurs when because of their sexuality, people are treated less favourably than people of a different sexuality in the same or similar circumstances unless there are objective reasons for doing so. Specific legislation exists in this area in the context of employment only and provides protection to heterosexuals, lesbians, gay men and bisexual people. Discrimination on these grounds in service delivery may, in certain circumstances, amount to sex discrimination and could breach the Human Rights Act, 1998.
11. **Lesbian-** A woman who is emotionally and or sexually attracted to other women.
12. **Gay Man-** A man who is emotionally and or sexually attracted to other men.
13. **Heterosexual-** Describes relationships of an emotional/ sexual nature between people of opposite genders. It also describes a person who is emotionally and or sexually attracted to a person of the opposite sex.
14. **Heterosexism-** The assumption that everyone identifies as being heterosexual and that such a lifestyle is better than any other whether gay, lesbian bisexual or celibate.
15. **Bisexual-** A person who is emotionally/ sexually attracted to people of both sexes.
16. **Homophobia-** Prejudice and bigotry against lesbians and gay men based on fear.
17. **Gender reassignment/transgendered-** as defined in the gender reassignment regulations is a person who is to/is undergoing/has undergone gender reassignment (i.e. an individual suffers from a condition biologically known as Gender Dysphoria; whereby the biological sex of the individual does not match the external appearance. Gender reassignment is the process whereby surgical procedures take place to correct external features in order to match the true biological identity of the individual).
18. **Multiple discrimination** occurs when for more than one reason a person is treated less favourably than others without those characteristics in the same or similar circumstances unless there is an objective reason for doing so. An example would be an ethnic minority, female wheelchair user who could be treated less favourably for a combination of these reasons simultaneously. In this example all three forms of discrimination are unlawful in their own right.
19. **Discrimination after the relationship has ended-** eg. discrimination/bullying/ harassment which occurs out of the working environment after an employee has left an organisation eg. a negative reference being given.
20. **Discrimination by Association** – occurs when a person is treated less favourably than others because of the people with whom they associate, eg., they are friends with someone of a different ethnic group, faith or sexual orientation.
21. **ACPO Officers** – Chief, Deputy and Assistant Chief Constables.

22. **BLINK** – ‘Black information link’ is an interactive community website with news, resources and information from a black perspective.
23. **BME** – Black and Minority Ethnic
24. **CRE** – Commission for Racial Equality
25. **CRR** - Community and Race Relations
26. **Functions** – as defined by the CRE, “the full range of a public authority’s duties and powers”.
27. **Opinion!** – Joint Authority / Constabulary Citizens’ Panel Comprising nearly 3000 Lancashire residents who are consulted quarterly on policing – related issues, generally, but not exclusively by postal survey.
28. **Policies** – as defined by the CRE “The formal and informal decisions about how a public authority carries out its duties and uses its powers”.