



Code of Conduct

1 Policy Statement

- 1.1 This policy outlines Essex Probation's expectations about behaviour. The Code of Conduct applies to all employees, Board members, staff seconded to Essex Probation and those working on Essex Probation's premises on our behalf to deliver services e.g. partner organisations and contractors.
- 1.2 Board members are further subject to the National Code of Conduct (a copy is at Appendix A).

2 Purpose

The role of Essex Probation in the Criminal Justice System gives rise to the expectation of a high standard of integrity, personal conduct and discipline in all staff. Confidence and credibility are fundamental to the effective performance of the primary task of working constructively with offenders in the Community. It is therefore very important that staff members exercise standards which meet those required by the service.

- 2.2 This policy is intended to inform all employees, including employees of agencies working on our behalf of the standard expected from them in the performance of their duties drawing attention to the possible implications for the service of their behaviour outside work. It identifies a set of principles governing behaviour by which staff are expected to abide and provides guidelines regarding the appropriate standard of behaviour in various areas. Failure to adhere to these principles may result in disciplinary action.

3 Statement of Purpose

This policy is linked to Essex Probation's Statement of Purpose and should be read in conjunction with this.

4 Conduct at Work

- 4.1 Employees are expected to be honest and efficient in the use of the service's time, resources, property and benefits.
- 4.2 Employees have an obligation to ensure that they conform to the requirements of the Equalities and Diversity Policy and must not act in a manner which could be considered to be of a discriminatory nature against fellow employees, service users or other people with whom they come into contact.

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- 4.3 Employees are expected to conduct themselves in a manner which will not adversely reflect on Essex Probation, whether or not at work. This may include verbal or physical violence; racial or sexual harassment, discrimination or victimisation; theft or fraud; drug abuse; possession or dealing of unlawful substances; alcohol abuse. Such behaviour may result in disciplinary proceedings being instituted against the staff member concerned.
- 4.4 Criminal convictions and cautions must be reported to the Chief Executive and may lead to consideration of disciplinary proceedings. Receiving a conviction may have a bearing on an employee's suitability to perform their role and their working relationships with employers, colleagues and service users.
- 4.5 Some posts require registration with the Independent Safeguarding Authority (ISA). If you require such a registration and this is withdrawn you are not permitted to continue working for Essex Probation. You are required to notify Human Resources immediately if you are advised that your ISA registration has been withdrawn.
- 4.6 Staff are expected to be fit to perform work for Essex Probation in normal circumstances and should not report for duty under the influence of alcohol or other substances which may adversely affect their performance.
- 4.7 Staff are expected to dress appropriately to represent Essex Probation. Unless specific duties require a lower standard, staff should be smartly dressed at all times.
- 4.8 Staff must seek permission from the Chief Executive to be involved in any other employment or private business venture.
- 4.9 Socialising with service users is not acceptable.

5 Standards of Work

- 5.1 Employees are expected to perform their work in accordance with standards of recognised good practice, professional standards and the Statement of Purpose.
- 5.2 Employees are required to follow all reasonable instructions given by their Supervisor, Manager or other Managers.
- 5.3 If employees are aware of a procedure or set of instructions that are considered inaccurate or inappropriate, this should be drawn to the attention of their Manager.
- 5.4 All authorised notices and circulations must be read and observed e.g. Essex Probation e-mails, correspondence, memos, policies and practice instructions.
- 5.5 Employees must not use the power of their position to improperly impose their own views or values on service users nor allow them to unfairly influence their

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judgement in evaluation of other staff. Employees are required to follow the Statement of Purpose.

- 5.6 If during the course of, or as a result of his or her employment, an employee invents or designs anything which has some connection with his or her work, details of the invention or design must not be disclosed to anybody until the employee reports the matter to their Line Manager and disclosure has been authorised by the Chief Executive. The right to register the design or patent the invention may be lost by premature disclosure and as a result the interests of both the employee and the organisation may be prejudiced.
- 5.7 Employees may only provide personal references. Reference relating to individuals work performance can only be given in a professional capacity. Information should be provided by the Line Manager and signed off by a Director.
- 5.8 Employees should not use their official status to intervene in court matters or arrange prison visits, other than to service users.

6 Confidentiality

- 6.1 Confidential or protected information must not be disclosed at any time, either during or after employment.
- 6.2 Disclosure of information should only be within the boundaries of The Information Security Policy, The Freedom of Information Act and The Public Protection Policy.
- 6.3 In view of the vulnerable nature of our user group, staff members are expected to ensure that no demonstrable harm results from the work they undertake.
- 6.4 Employees should ensure service users are advised that the professional relationship is not totally confidential e.g. information may be disclosed to prevent a crime or assist the police.
- 6.5 Employees should not act on the behalf of service users as witnesses in court proceedings, unless required to do so by the court and with the permission of the line Director.
- 6.6 On rare occasions employees may become aware that colleagues are involved in illegal activities. They must report this to their Line Manager or refer to the Fraud Prevention or Whistleblowing policy.
- 6.7 No employee may use any service user or supplier's information for their own personal benefit. Names, addresses and telephone numbers are strictly private and confidential and should not be used on a personal level by employees.

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- 6.8 Any Essex Probation property or documentation must be returned upon leaving Essex Probation's employment.

7 Conflict of Interest / Professional Performance

- 7.1 Employees are expected to act in the interest of Essex Probation at all times. Any conduct detrimental to its interests or users, suppliers or the general public, or damage to its public image shall be considered to be a breach of the Essex Probation rules.
- 7.2 Employees must not perform, arrange or carry out any work or activity which could adversely affect Essex Probation's interests.
- 7.3 Employees should not act as executors for service users to whom they are unrelated or their families unless they have prior written consent of the Chief Executive.
- 7.4 Employees should be aware of the possibility of being exploited by service users or suppliers and rendered incapable of properly carrying out their duties if they accept benefits. Benefits include gifts, loans, bequests, social invitations and free accommodation, whether the donor gains some advantage or not. This applies to offers made to an employee's family. Modest business gifts of nominal value e.g. diaries, calendars and moderate refreshments may be appropriately given or received. On no account should gifts be accepted from service users or money be accepted as a gift. Employees offered inappropriate gifts must politely but firmly decline. Detail of the offer should be recorded on the contact log. Employees who accept gifts should consult their Line manager either before accepting or giving gifts and record these in the Register of Gifts and hospitality held by the Secretary to the Board.
- 7.5 A fundamental distinction must be borne in mind between professional and personal relationships. The only appropriate relationship between a member of staff and a service user of the Probation Service is a professional one. At no time should this merge into the personal, although some service users may need more support than others. Some service users and their family members may transfer their affections, anxiety or hostility to a probation staff member. Where there is, or could be, a difficulty, staff members should consult their Line Manager who must make a judgement in respect of each case. Staff should be aware that an illicit personal relationship with an offender may constitute a criminal offence as well as a breach of these rules.
- 7.6 Employees also need to have regard to situations where they have familial or social relationships with offenders, although these may be indirect. The same professional relationship should apply and where such situations arise, staff members must declare the circumstance and seek advice from their Line Manager, who will ensure there is no direct supervisory contact between the parties.

- 7.7 All staff should understand that personal and intimate contact with a member of the public for whom that member of staff has a professional responsibility or their family and immediate associates is not acceptable, could be considered gross misconduct and could lead to dismissal. Where such relationships already exist on appointment to Essex Probation, these should be declared and advice sought from the Line Manager, who will take steps to ensure there is a separation of official and personal responsibilities.
- 7.8 Occasionally a member of staff may need to be alone with service users, for example in the service user's home, during transport etc.. It is vitally important that all such contacts are properly recorded and are seen to be part of the overall plan in the management of the case.

8 Application of this policy / support

- 8.1 It is recognised that work in the Probation Service can be demanding and stressful, and the Service is concerned to offer support and guidance to all members of staff in relation to the performance of their duties. In facing the dilemmas which may arise from their work, staff should always seek advice from their Line Manager, whenever they are in doubt.
- 8.2 Anticipation and early discussion should enable many situations to be resolved satisfactorily.
- 8.3 Line Managers have an obligation to listen and provide advice and support to their staff. Where the answer is not clear, the Line Manager should seek advice from senior management.
- 8.4 On other occasions when a Line Manager may note some aspect of a staff member's behaviour or situation which gives rise to concern, the Line Manager has a duty to act and should raise the matter with the person concerned. It is not acceptable to take no action. Where necessary the manager may need to initiate formal proceedings. Advice from senior management should be sought if necessary.
- 8.5 This policy represents information to staff regarding the expected standards of behaviour of staff. Nothing in this policy shall affect the right of staff members to belong to a trade union or political party, nor to exercise their rights under appropriate legislation or negotiated agreement.
- 8.6 Staff are expected, through agreed procedures and without fear of recrimination, to bring to the attention of their Line Manager any deficiency in the provision of service and staff must report to the appropriate Manager any impropriety or breach of procedure. In the event that an activity is discovered which an employee believes to be illegal, improper, unethical or otherwise inconsistent with the policy, the

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employee should report the matter in the first instance to their Line Manager. Every employee has the right under the Public Interest disclosure Act 1998 to make a protected disclosure. Details of employees' duties and rights are outlined in the Whistleblowing Policy.

Code of Conduct for Board Members

1. **Scope** – Members of a Board must observe this code of conduct whenever they:

- a) conduct the business of the board
- b) conduct the business of their office as board member or
- c) act as a representative of the board

and they must observe sections 4 and 5 of this code in all other circumstances also.

2. **Principles of public life** – Members must adhere to the Seven Principles of Public Life, set out below in italics, and to the other principles in this section.

*i) **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.*

Nor may they use their position to secure improperly an advantage or disadvantage for any other reason.

*ii) **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.*

They must observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the management of the probation board and the stewardship of public funds.

*iii) **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.*

*iv) **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.*

*v) **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.*

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Members must comply fully with the principles of the Citizen's Charter and the Code of Practice on Access to Government Information, in accordance with the Government policy on openness. Members must not prevent another person from gaining access to information to which that person is entitled by law.

*vi) **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.*

*vii) **Leadership** – Holders of public office should promote and support these principles by leadership and example.*

3. **Diversity** – Members must recognise and value diversity by ensuring inclusiveness, equality and fairness in their treatment of people and the discharge of their duties. They must ensure that they do not discriminate against individuals because of their gender, race, ethnicity, religious beliefs, age, disability or sexual orientation. They must treat others with respect. They must not do anything which compromises or which is likely to compromise the impartiality of any person who works for or on behalf of the probation board or the National Offender Management Service (NOMs).
4. **Confidentiality** – Members must not disclose information given to them in their role as board member in confidence, or information acquired by them in that role which they believe to be of a confidential nature, without the consent of a person authorised to give it, or unless required to do so by law.
5. **Repute** – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the probation board into disrepute.
6. **Advice** – Members must, when reaching decisions, have regard to any relevant advice provided to them by the Secretary to the Probation Board and by the Treasurer.
7. **Responsibilities in relation to staff** – The Board are the employers of staff in their local area. Board members must ensure they comply with all appropriate working practices when dealing with staff.
8. **Circumstances which may affect membership of Board** – Board members must notify the Board Secretary of any circumstances not covered in this code, which a member of the public with knowledge of the relevant facts could reasonably regard as so significant as to compromise the Board member's ability to discharge his or her responsibilities.

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9. **Failure to comply** – If members become aware of any conduct by another member which they reasonably believe involves a failure to comply with this code of conduct or the Board's standing orders, they must notify the secretary of the Probation Board as soon as reasonably practicable. The Board Secretary shall consult the Board Chair or the National Offender Management Service as appropriate. Other than the Chief Executive, for whom separate provision is made in Section III of the "Salary and Conditions of Service Handbook", failure to comply with this code or the national standing orders may lead to action by the local board or, where necessary, referral to NOMs for appropriate action. This may lead to removal from office.