

Internal consultation feedback received in relation to the Code of Conduct - issued for consultation between 13 March 2015 to 30 April 2015

ID No.	RE: Section	Feedback	Feedback from	HR Response
1.	General	Grammatical changes	Various	Amendments made
2.	General	Should the Code of Conduct be a 'procedure' or 'Code'	HR	Reference amended to 'Code'
3.	Section 1.0 Introduction	<p>(1) 'The Authority will aim to' – suggest remove as it is discretionary and not directive</p> <p>(2) 2nd bullet point – replace 'community' with 'communities it serves'</p> <p>(3) At 'underpinning everything paragraph... Underpinning everything the Authority does is a set of values which is aspirational we expect for all employees to adhere to where they engage with others; be it with the public, partner agencies or colleagues. These values will be reflected in every aspect of our work and will be reflected and adjusted as directed by throughout the employment related policy themes and will be utilised as corporate and public safety plans. are developed and implemented.</p> <p>(4) Next paragraph... All Eemployees at all levels are required a ...</p>	Group Commander	(1 - 4) Noted. Not amended; in line with the Authority's Vision & Values policy statement
4.	Section 1.0 Introduction	<p>The public is entitled and demands to expect the highest standard of conduct from all employees of the Authority. This procedure is intended to provides information for employees on the minimum standards that are expected by the Authority. All employees are expected to follow the spirit of the Code.</p> <p>This paragraph needs to be strengthened having 'minimum' and 'sprit' does not dictate the importance of having values and behaviours (I agree they can't be prescriptive)</p>	Group Commander	<p>'demands' not added. 'Intended' removed.</p> <p>'Spirit' sentence removed</p>

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5.	Section 2.0 Scope	<p>(1) The procedure set out in this document applies to all employees of the Authority, regardless of contract including part-time, fixed-term, temporary, casual, secondees, consultants and agency staff. The use of employees throughout the Code of Conduct should be taken to include all of the above.</p> <p>(2) Two Additional Codes of Conduct are applicable for ..</p>	Group Commander	Amendment made
6.	Section 3.0 Working within the Code of Conduct	Combine the paragraphs starting with 'Employees should, at all times..' and 'Should an employee have any concerns...'	Group Commander	Noted. Not amended
7.	Section 3.0 Working within the Code of Conduct	<p>(1) The Authority has published policies, procedures and financial regulations, which describe important rules and standards, and all employees, are expected required to work in accordance with these documents.</p> <p>(2) Copies of these documents are available via line managers, on the intranet or the Information Governance & Compliance Manager. ... Is this required?</p> <p>(3) The Authority will undertake to apply ... The Authority should comply otherwise its optional and doesn't provide consistency</p> <p>(4) (last paragraph) .. Examples of gross misconduct can be found in the Discipline procedure. ... May be subject to criminal proceedings?</p>	Group Commander	<p>(1) Noted. Not amended</p> <p>(2) Removed</p> <p>(3) Noted</p> <p>(4) Noted. Not amended</p>
8.	Section 11.0 Use of financial resources	Under Section 11 I would prefer to say: 'Employees must ensure they use any public funds, vehicles or equipment entrusted to them in a responsible and lawful manner. Employees must strive to ensure value for money to the local community and to avoid legal challenge to the Authority in all circumstances.'	Finance & assets	Paragraph added to section 11

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9.	<p style="text-align: center;">Financial reference</p>	<p>Where financial regulations are referred to, it would make sense to also reference financial instructions, as these will be more appropriate to most staff.</p> <p>I would combine Section 12 'Counter fraud and corruption' with Section 18 'Counter fraud and corruption'. The document should also make reference to the Counter Fraud and Corruption Policy</p> <p><i>(1) 12.0 Counter-fraud and corruption: The Fire Authority expects all members, employees, consultants, contractors, suppliers and partner organisations, to act honestly and with integrity and to safeguard the public resources for which they are responsible, and to provide any help information and support necessary to deal with fraud and corruption.</i></p> <p><i>The Authority will not tolerate any level of fraud or corruption; consequently, any case will be thoroughly investigated and dealt with appropriately. The Authority is committed to ensuring that opportunities for fraud and corruption are reduced to the lowest possible level of risk.</i></p> <p><i>Section 112 of the Local Government Finance Act 1988 ('the 1988 Act') requires the Authority to make arrangements for the proper administration of its financial affairs and shall secure that one of its officers (known as a "Chief Finance Officer" by reference to section 114 of the 1988 Act) has responsibility for the administration of those affairs.</i></p>	Finance & Assets	<p>Instruction added after financial regulations</p> <p>Section 12 removed, as detailed (1).</p> <p>Sections 12 & 18 combined with third paragraph amended to reflect what is detailed in the Counter fraud and corruption procedure</p>
10.	<p style="text-align: center;">Section 12 Counter fraud and corruption</p>	<p>The last paragraph under Section 12 Counter fraud and Corruption' seems a bit oddly placed. The Section 112 officer role is not in itself anything to do with fraud and corruption per se and is certainly not a deterrent, so I would advise to drop that paragraph.</p>	Finance & Assets	<p>Section 12 deleted and merged with section 18 and last paragraph removed.</p>

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11.	Section 14.0 Standards of dress and appearance	Facial hair & tattoos: General feedback would be for greater clarity on expectations around facial hair and tattoos which recognises and is sympathetic to the needs of a diverse workforce, whilst not compromising organisational values. This would avoid any conflict from misaligned expectations from our staff and managers in the future.	Group Commander	Section 14 amended as detailed in ID No.24
12.	Section 14.0 Standards of dress and appearance	Tattoos: We also need to consider all tattoos which are on show, not just above the collar. I am not suggesting we apply this retrospectively, however moving forward, would we be happy with someone having a new inappropriate (subjective I know) tattoo on their forearm which cannot be covered up by issued uniform?	Group Commander	Section 14 amended as detailed in ID No.24
13.	Section 14.0 Standards of dress and appearance	Tattoos: What we have determined so far is there would appear to be a small number of individuals who are in our employ who have tattoos in various locations which are on display. And even if they wore long sleeve shirts, which we don't issue to firefighters, they would still be visible. Moving forward, I do feel that we need to make it explicit within the Code of Conduct.	Group Commander	Section 14 amended as detailed in ID No.24
14.	Section 14.0 Standards of dress and appearance	Tattoos: Ink above the collar to be banned	HR	Section 14 amended as detailed in ID No.24
15.	Section 14 Standards of dress and appearance	Tattoos: It is important to acknowledge that the Authority as the employer is entitled to promote a certain image through their workforce and therefore perfectly entitled to restrict or ban visible tattoos, especially for employees engaged in community-facing roles. The recommendation is for any visible tattoos, primarily on hands, the face and above the collar to be prohibited, as would any tattoos that are considered to be discriminatory, violent or intimidating. For those staff, who in the absence of there being a previously defined	Service delivery	Section 14 amended as detailed in ID No.24

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		<p>procedure, have chosen to have what are termed visible tattoos. Then a professional discussion needs to have taken place, between the line manager and the individual concerned, in order to make clear the future expectations required of them. This may include, determining what work related activities, be it on or off service premises that perhaps require the covering of visible tattoos, to be considered, if practicable.</p> <p>For operational staff, where uniform is provided, then the discussion may involve the need for them to be issued with or have available to them, long sleeve shirts, as necessary.</p> <p>A record of the professional discussion needs to be captured on a file note, which should then be placed within the employees PRF.</p> <p>For any staff wishing to have a tattoo, it may be beneficial for them to discuss this with their respective line manager, in the first instance, in order to remove any uncertainty with regard what constitutes being a visible or unacceptable tattoo.</p>		
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Post consultation feedback from FOA and FBU following the meeting on 6 May 2015:

<p>06 May 2015 A Joint Consultation Meeting held with the trade unions post consultation. Trade unions requested additional time to respond to considered changes to the Code of Conduct following feedback during the consultation period. Trade Unions were given until 15 May 2015 to respond to highlighted changes made to the Code.</p>				
ID No.	RE: Section	Feedback	Feedback from	HR Response
16.	General	Minor grammatical changes suggested	FOA & FBU	Amendments made
17.	S.3.0 Working within the code	This must stipulate that it applies when representing the Authority as an employee. A trade union representative or a member of public acting in those respective capacities should be free to comment on the functions of a public body. This includes the fire service. Of course common sense must be used and if there is any potential for misunderstanding the person making any lawful comment or criticism must make it clear that they are not speaking as a representative of BMKFA but as a trade union representative or taxpayer/member of the public. Many firefighters live in Buckinghamshire and as such have a democratic right to voice any concerns to their elected representatives and in some occasions the press. For example as a whistleblower. The FBU will greatly encourage its members to voice personal opinions via their representatives.	FBU	Noted. Not amended.
18.	Section 10.0 Political neutrality	It should re-iterate that while not representing the employer an individual is free to express their views as part of any wider democratic process. Also, trade union representatives when discussing any issues relating to the work of BMKFA are free to express their views without fear of discrimination or reprisal. OF course so long as these views are not deliberately defamatory or libellous.	FBU	Noted. Not amended.
19.	Section 14.0 Standards of dress and appearance	Tattoos: How do we decide what will cause offence or an unprofessional image	FBU	Noted. The first paragraph states 'Any tattoo considered discriminatory, violent, profanity or intimidating is prohibited.'

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20.	Section 14.0	Tattoos: Individuals will/can be accompanied by a TU rep or work colleague at the line manager and individual meeting	FBU	Noted. Not added as not appropriate
21.	Standards of dress and appearance	Tattoos: Those individuals who had tattoos previous to this policy should not be held accountable. It should only be applicable to staff who have this type of art work once the policy is in place	FBU	Noted. The Code applies to all employees
22.	Section 14.0	Tattoos: Before implementing this process there must be an agreed criteria and guidance for what is or is not suitable in terms of tattoo imagery or words. The previous paragraph recognised the importance of having a 'defined procedure' in place and yet is creating arguably more confusion around the issue than there previously was when common sense was effectively the regulator.	FBU	Refer to point 19 above
23.	Section 14.0	<p>Hair is to be worn in a smart manner ...</p> <p>Current last paragraph; Facial hair can compromise the seal of a facemask. All uniformed operational employees must be able to maintain a seal as laid out in the BA set general checks for the duration of time they are on call or on duty.</p> <p>Proposed rewording; Facial hair can compromise the seal of a facemask. All uniformed operational employees must be able to maintain a seal, as laid out in the relevant BA documents, for the duration of time they are on call or on duty and are prohibited from wearing beards of any description (including "goatee" style). Individuals must be clean shaven around the seal area, moustaches and sideburns shall be maintained in a neatly trimmed manner, sideburns shall not protrude past the ear lobe of the ear or in any way effect the wearing of a breathing apparatus set which could be construed as introducing an avoidable risk to the safety of B.A. wearers.</p> <p>Reason: This is an amalgamation of wording captured within other policies, procedures and notes, and removes any grounds for doubt/challenge on what our position is on this subject, without being unreasonable in our expectations.</p>	FOA	<p>Section 14 'Hair' amended to state: Hair is to be worn in a smart and professional manner, hairstyles such as a Mohican is not acceptable.</p> <p>Facial hair reference is noted, however the section is not amended as the Code states the importance of hair not affecting the seal of the facemask.</p>

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24.	Standards of dress and appearance	<p><i>Proposed amendments to section 15:</i></p> <p>(1) Tattoos Employees are asked to consider the requirements of the workplace when choosing the placement and style of new tattoos. Any tattoo considered discriminatory, violent, profanity or intimidating is prohibited.</p> <p>For those employees engaged in community facing roles, the Authority prohibits visible tattoos, primarily on hands, face and above the collar line.</p> <p>For those employees in non community facing roles, where tattoos are visible, these should be discrete and in keeping with the professional image of the Authority.</p> <p>Employees may be requested to cover tattoos, for example by wearing long sleeved shirts in a public setting where there is likelihood that they may cause offence or project an unprofessional image.</p> <p>For those employees, who in the absence of there being a previously defined procedure, have chosen to have what are termed visible tattoos, a professional discussion between the line manager and the individual concerned should take place, in order to make clear the future expectations required of them. This may include determining what work related activities, be it on or off Authority premises, that require the covering of visible tattoos where practicable.</p> <p>For employees considering a new tattoo, it is recommended for them to speak with their line manager in the first instance, to remove any uncertainty with regards to what constitutes being a visible or unacceptable tattoo. The line manager must determine the suitability of the tattoo being proposed and that it will comply with the professional image of the Service.</p> <p>An employee, who chooses to get a tattoo that the Authority deems as unacceptable, may be requested to get the tattoo removed at the employee's expense if it is not practicable for the tattoo to be covered up.</p> <p>Line managers should ensure that employees under their supervision adhere to</p>		
				Tattoo section amended to reflect feedback as detailed (1)

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		the standards of dress and will be responsible for identifying cases that do not meet with this Code and for taking appropriate action to resolve such matters, which may include discipline action up to and including dismissal.		
25.	Section 16.0 disclosure of information	This whole section needs to be clearer particularly about what constitutes 'confidential information'. BMKFA is a public body and should be open and transparent with all its information. It should be the exception where information is deemed to be confidential and should not be put into the public domain, and only if there is not an overriding public interest which would support the release of information. If the Authority is threatening dismissal for release of confidential information it has a great responsibility to ensure that employees are fully aware of what constitutes confidential information. This is currently very vague. Any info that can be sourced via a freedom of info request cannot be deemed confidential. So what info would the Authority legally withhold from the public?	FBU	Noted. Not amended. There are various categories of information that are exempt from public disclosure. It emphasis in the Code it is on improper or unauthorised use of Authority information, in the same was as improper or unauthorised use of any Authority asset.
26.	Section 16.0 Disclosure of information	<p><i>(3rd paragraph)</i></p> <p>It is expected that some employees will have contact with the media when appropriate to their role, e.g. information about operational incidents, proactive use of the media to support community safety activities, or other work related activities. It is imperative that no personal or personal sensitive information is shared with the media or any information that, together with other information likely to be or come into their possession, could lead to the identification of an individual without the individual's consent.</p> <p>Making Unauthorised or improper use of confidential Authority information is a serious offence, and will be dealt with in accordance with the Discipline procedure, which may include action up to and including dismissal.</p> <p>Employee's privity to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation, including any other potential bidder whether internal or external.</p>	Legal & Governance	<p>Amendments made.</p> <p>This is in response to the feedback from the FBU on this matter.</p>

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27.	<p>Section 18.0 Whistleblowing</p>	<p>Employees have a legal right and duty to report any concerns if they have reasonable belief that wrongdoing may be occurring, or may have occurred within the Authority and should not be deterred by the fear of any disciplinary action.</p> <p>(1) Whistleblowing A structured mechanism is available for employees to raise any serious concerns about any aspect of the Authority's work without the risk of subsequent detriment or disadvantage and staff are encouraged to raise serious concerns within the Authority initially, rather than overlooking a problem or blowing the whistle outside.</p> <p>The Public Interest Disclosure Act 1998 protects employees/workers from reprisal, victimisation or harassment at work if they raise a concern in good faith.</p> <p>The Authority will take seriously any concerns raised that are subsequently proven to have been made maliciously. Any employee/worker, who is found to have acted maliciously, may be subject to the Discipline procedure. If, however, an employee/worker raises a concern in good faith that is not later confirmed by investigations, no action will be taken against that employee/worker.</p> <p>This is in addition to the Authority's Complaints and Grievance procedures and does not form part of the Discipline procedure, however disciplinary action may result from the application of the Whistleblowing procedure.</p>	FBU	Whistleblowing section amended to reflect what is said in the procedure , as detailed (1)
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