



**Comisiynydd Pobl Hŷn Cymru**  
**Older People's Commissioner for Wales**

# Code of Conduct

Responsible Manager	Chief Operating Officer
Next Review Date	March 2022; then annually.
Last Review Date	March 2021
Version	11.0

# 1. Introduction

- 1.1 All public sector bodies are required to observe the highest standards of probity in the management of their affairs. In 1995 the Parliamentary Committee on Standards in Public Life recommended that public bodies should draw up Codes of Conduct incorporating the seven key principles that should underpin public life. These principles are listed in Appendix 1.
- 1.2 These principles, together with the Older People's Commissioner for Wales' corporate values, underpin this Code of Conduct.
- 1.3 The Code sets out the conduct expected of all employees working for the Commissioner. The Code applies to all staff without exception, whether employed on a permanent, fixed-term, temporary or secondment contract and forms part of the terms and conditions of everyone working for the Commissioner.
- 1.4 In order to ensure full compliance with the Code, you are asked to make an annual declaration when you join the Commissioner and annually thereafter. If you feel at any time (and not just at the time of annual declaration) that there are circumstances that may affect your declaration, these should be reported on an updated Code of Conduct declaration which should be returned to the Chief Operating Officer.
- 1.5 Behaviour or conduct which contravenes the Code, or otherwise inhibits the achievement of the Commissioner's objectives, is liable to damage the standing of the Commissioner in the eyes of the general public, or is liable to damage the standing or credibility of an individual within the organisation constitutes misconduct which may result in disciplinary action under Commissioner's disciplinary procedures.
- 1.6 No policy can set out the appropriate conduct or behaviour for every situation. Within the framework of this policy, the Commissioner relies on staff to make a reasoned judgment as to what is right and proper in any situation. If you are in any doubt about what to do, you should seek advice from your line manager.

## **2. Rights and Responsibilities**

### 2.1 You have the right to:

- be spoken to politely;
- be treated with respect;
- have your point of view listened to and given consideration;
- have your efforts and achievements valued;
- be treated fairly;
- speak out if you are the victim of bullying or harassment, and to expect your complaint to be taken seriously.

### 2.2 You must:

- comply with a reasonable instruction or contractual requirement;
- comply with the Commissioner's policies and procedures.

### 2.3 You have a responsibility to:

- consider others in the completion of their duties;
- express your point of view without being aggressive;
- listen to what others say and respect their point of view;
- take prompt action if you witness or are made aware of unreasonable behaviour, including bullying or harassment in any form. You should not assume it is someone else's problem;
- ensure that you act at all times with honesty and integrity, and in a professional manner;
- do your utmost to ensure that your conduct (both at work and outside) does not cause embarrassment to, or harm the reputation of, the Commissioner in any way. This also applies to your appearance during working hours, and at any time whilst representing the Commissioner.

## **3. Confidentiality**

3.1 All staff must be aware of the statutory requirements to keep confidential the information which is in the Commissioner's possession unless it has been formally approved for publication or disclosure.

3.2 You will need to continue to observe your duties of confidentiality after you have left the Commissioner's employment.

#### **4. Standards of Propriety**

4.1 The Commissioner expects all staff members to adopt the highest standards of propriety and to act with integrity and impartiality at all times.

4.2 You must not misuse your position or use information acquired in the course of your work to further your private interests or those of others. Should a conflict of interest arise, you must declare this to the Chief Operating Officer who will determine how best to proceed. You should be guided by the seven principles of public life which are set out in Appendix 1.

4.3 You must seek permission from the Commissioner before accepting any paid outside appointment or unpaid appointment of a public nature.

4.4 Should you discover that the Commissioner has entered, or proposes to enter, into a contract in which you have a current or past financial and/or private interest, you must bring the matter to the attention of the Commissioner as soon as possible in writing.

4.5 Smoking and the use of electronic-cigarettes is prohibited throughout the entire workplace with no exceptions.

4.6 You should have a personal responsibility within and outside the working day to adopt a responsible attitude towards drinking alcohol and taking prescribed and over-the-counter drugs. Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. You must not be under the influence of alcohol or drugs whilst either at work or while representing the Commissioner at any time. If you are, this may be viewed as gross misconduct and may lead to summary dismissal.

## **5. Political Activities**

- 5.1 It is of paramount importance that the Commissioner is viewed as independent and consequently that the Commissioner's staff are seen as impartial and non-partisan.
- 5.2 Particular care is needed in taking any action or participating in events which could impact adversely and undermine the independence of the Commissioner. Accordingly, you should consider the appropriateness of taking part in any party political activity and in any non-party campaigning which is directed at a body in the Commissioner's jurisdiction e.g. a public campaign against the closure of a residential home or suspension of a service used by older people in Wales.
- 5.3 If you are in doubt as to whether an activity that you wish to take part in might be deemed inappropriate under paragraph 5.2, you can discuss this with the Chief Operating Officer.

## **6. Use of Office Premises and Facilities**

- 6.1 You may use either the telephone at work or your personal mobile to make or receive a reasonable amount of personal calls, provided that you are sensitive to any possible impact or disturbance on colleagues. Time spent on the telephone for personal calls (including personal mobile) during working hours should not be excessive.
- 6.2 Limited personal use of photocopiers, printers and faxes is acceptable. You may not use the above equipment to make images or copies containing indecent or offensive material. Breach of this rule may be regarded as gross misconduct and may lead to summary dismissal.

## **7. IT Policy**

- 7.1 You must know the Commissioner's IT policy and abide by it at all time.
- 7.2 You may make reasonable personal use of internet access and the email system. In doing so you must take commonsense precautions

to avoid introducing viruses into the office system, and follow any office instructions in that regard.

- 7.3 If you use the email system to send or receive personal messages, you must take particular care to ensure that they are not offensive or indecent. Serious misuse of the email system may be viewed as gross misconduct and may lead to summary dismissal.
- 7.4 You may not deliberately view or download material from websites containing indecent or offensive material. Breach of this rule may be regarded as gross misconduct and may lead to summary dismissal.
- 7.5 You may not under any circumstances play games over the internet.
- 7.6 The Commissioner reserves the right (without notice) to monitor, access, listen to or read any communication made or received by you on its IT systems for the following purposes:
- to establish the existence of facts;
  - to ascertain compliance with regulatory or self regulatory practices and procedures;
  - for quality control and staff training purposes;
  - to prevent or detect crime (including 'hacking');
  - to investigate or detect unauthorised use of its systems;
  - to intercept for operational purposes, such as protecting against viruses or forwarding emails to correct destinations.
- 7.7 The Commissioner also reserves the right to make and keep copies of emails and document the use of email, for the above reasons.

## **8. Social Media Policy**

8.1 The Older People's Commissioner must ensure that confidentiality and organisational reputation are protected. However, it recognises that individuals use social networking websites on a personal basis. Where an employee has identified themselves as working for the Commissioner they are expected to:

- avoid discussing internal Commissioner business

- direct work related enquiries to appropriate business channels
- take care not to allow their interaction on these websites to damage working relationships between members of staff and other stakeholders or interested parties
- not imply a work relationship with other organisations.

8.2 Any communications that employees make in a personal capacity through social media must not:

- Do anything that could be considered discriminatory against colleagues, or could be considered to be bullying or harassment, such as making offensive or derogatory comments relating to age, sex, race, religion or belief, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, or gender reassignment; using social media to bully another employee; posting images that are discriminatory or offensive (or links to such content)
- Bring the organisation into disrepute by making defamatory statements about the Commissioner, its employees, stakeholders or interested parties, or criticising colleagues, stakeholders or interested parties
- Breach confidentiality, by giving away confidential information about a colleague or the organisation, for example.

### **Related Policies**

- ICT Acceptable Use
- Performance Management
- Disciplinary
- Raising Concerns
- Substance Misuse
- Smoke Free Workplace

## **Appendix 1: The Seven principles of public life**

### **Selflessness**

Holders of public office should act 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 seek to 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.



## Appendix 2

### Annual Declaration of Compliance with the Code of Conduct

The Older People's Commissioner for Wales Code of Conduct applies to everyone who works in any capacity for the Commissioner including **all employees**, and casual and short-term contract appointees, secondees from other organisations, employment agency staff and those contracted to work for the Commissioner.

The Code forms a part of the terms and conditions of everyone working for the Commissioner. It sets out a framework for the conduct expected of you both inside and outside Office premises. The success of this Code depends on a vigorous and visible application of its provisions by everyone who works for the Commissioner.

In order to ensure full compliance with the Code, you are asked to make an annual declaration of compliance with the Code and answer the associated questions. New starters must fill in the declaration at the time of appointment and annually thereafter.

If you feel at any time (and not just at the time of the annual declaration) that there are a change in circumstances that may affect your compliance with the Code these should be reported as soon as you become aware of them.

Any information reported to the Commissioner by you in accordance with the requirements of the Code will only be disclosed as required by law or to necessary persons and in accordance with the Commissioner's Data Protection Policy.

**Please complete the attached declaration and return to [Kelly.davies@olderpeoplewales.com](mailto:Kelly.davies@olderpeoplewales.com)**

**Please ensure you save and rename your return in the following format [FirstnameSurname.doc] before submitting the completed declaration.**

**In the event of any queries on this form please contact Kelly Davies in the first instance.**

## Summary

1. Please review the documents linked, and the terms of the declaration below.
2. Enter your name and the date in the box below.
3. Tick the following box to make the declaration and answer the questions which follow to include 'None' where no details apply.

<b>NAME</b>	<b>DATE</b>
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## Links to policy document

- *Code of Conduct*
- I have read and understood the Older People's Commissioner's Code of Conduct.
- I agree to be bound by the provisions of this policy document.
- I understand that a breach of the rules contained in the policy document may, subject to investigation, lead to disciplinary action which, in certain circumstances, could include dismissal.
- I understand that failure to sign this declaration will also be treated as a disciplinary matter.

*And:*

- I confirm that, to the best of my knowledge, I have complied fully with the provisions of the Code of Conduct since my last declaration.

*Or, where no previous declaration has been made:*

- I confirm that, to the best of my knowledge, I have complied fully with the provisions of the Code of Conduct since the beginning of my employment with the Older People's Commissioner for Wales.

**I agree to the terms of the declaration above:**  (please tick)

**Please also answer the following questions with either ‘None’ or with the relevant details:**

1. Do you hold positions outside the Older People’s Commissioner for Wales, whether paid or unpaid, in any public or private organisation(s)? If yes, please give details including information about any payment or reward from the organisation(s).

2. In the light of the principles set out in the Code of Conduct, please provide details of any other interests in, or personal relationships with outside public or private organisations, which might, to your knowledge, conflict with the work of the Older People’s Commissioner for Wales. You should also include details of political activities, shareholdings and sponsorships and any other information referred to in the Code which might give rise to a conflict in interest.

3. Are you aware of any links (direct or indirect) between the activities of the organisation(s) or interests held and the work of the Older People’s Commissioner for Wales? If so, please give details.