

Ethical Framework and Code of Conduct

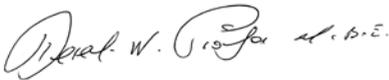


HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

Executive Summary

As a member of the Hereford & Worcester Fire and Rescue Service (HWFRS) you have certain rights, which we value and would always seek to support. Being a member of a public authority means we have certain responsibilities, which are reflected, at a strategic and operational level. Every individual has a role to play, and this document will help to define that.

The Ethical Framework document has been developed with input from trade unions and identifies the values, purpose and the roles and responsibilities of all staff.



Chairman



Chief Fire Officer



HEREFORD & WORCESTER
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1 Introduction

1.1 The purpose of this document is to provide service personnel with an aid to addressing issues of equality and diversity in the workplace. It identifies our values, purpose and the roles and responsibilities of all staff.

1.2 The Ethical Framework and Code of Conduct is an overarching 'parent' policy below which sits a number of subject specific policies and procedures. (See Section 8 - Annex A)

2 Values

2.1 National Fire and Rescue Service Values

2.1.1 HWFRS is committed to the National Fire and Rescue Services Values:

- **service to the community**
- **valuing all our employees**
- **valuing diversity in the Service and the community**
- **valuing improvement**

2.2 Our Values

2.2.1 HWFRS has agreed with the FRA a core purpose. We will provide our communities with sustainable, high quality firefighting and preventative services.

2.2.2 We have developed a unique set of values for our organisation based on the national core values. These values are a way of recognising the standard at which we operate and act as a template for every employee in all situations.

2.2.3 We recognise that shared values increase commitment and ultimately effectiveness in



an environment of changing expectations, both within the Fire and Rescue Service (FRS) and the communities we serve.

2.2.4 We are committed to equality of opportunity for everyone. We recognise and value diversity and work towards the elimination of unfair discrimination relating to a protected characteristic:

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

2.2.5 We recognise that discrimination may exist on a variety of other grounds and would always seek

to reflect the spirit, as well as the letter of Equality Law in all our policies and procedures.

2.2.6 Each individual has a unique contribution to make whilst upholding these values and ensuring the organisation meets the challenges of the future with these core values in mind.

2.2.7 Our commitment, values and future are a philosophy that states we will always operate fairly and ensuring dignity and respect in the workplace and in the communities we serve, in an environment which values individual contributions and work towards the elimination of unlawful discrimination.

We Value Innovation, Change and Learning

We encourage critical and lateral thinking and manage constructive challenge.

We take responsibility for improving our performance.

We develop ourselves and others to achieve our full potential.

We take responsibility for our actions.

We encourage problem solving at all levels.

We capture good ideas from wherever they originate.

We learn from our experiences.

We Value our People

We are committed to developing our people.

We build relationships that are based upon mutual trust and respect.

We work in an inclusive way.

We recognise that everyone has a contribution to make.

We respect and see difference as a strength.

We behave in an ethical way.

We promote well-being of others.

We allow empathy to flourish.

We are active and participative listeners.

We communicate with honesty and integrity.

We say 'thank-you'.

We Value Diverse Communities

We are committed to serving all parts of our communities.

We recognise that diverse needs, expectations and risks need diverse solutions.

We always fulfil our responsibilities to people, communities and the environment.

We remove barriers to entry and seek true diversity to reflect the communities we serve.

We will challenge inappropriate behaviour.

We actively seek feedback.

We Value our Fire and Rescue Service

We are passionate about maintaining/improving our great reputation.

We make work rewarding and motivating.

We all pull together in the right direction.

We are a team and not a family.

We enjoy and celebrate our work.

We focus on priorities by setting clear objectives and accountabilities.

We provide the right service at the right time and in the right place.

3 Our Strategy

3.1 Our Strategy provides the foundation for delivering our core purpose



4 Equality and Diversity

4.1 What is Equality?

4.1.1 Equality means equal rights for individuals regardless of what factors they may have that are different. Equality is law, with remedies, both financial and otherwise being sought through both criminal and civil courts when breaches occur. Legal frameworks are often complicated and complex in nature. The contents of this policy provide simple guidance to staff which will enable them to comply with the law.

4.1.2 The Equality Act 2010 replaces and combines the range of equality laws that previously existed, covering different protected characteristics.

4.1.3 The Public Sector Equality Duty (PSED) is a requirement of the Act and came into force on 5th April 2011. The Duty supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies and services which are efficient

and effective, accessible to all and which meet different people's needs. The PSED is made up of a general equality duty and is supported by specific duties.

4.1.4 The general equality duty requires the Service to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This requires us to remove or minimise disadvantages suffered by people due to their protected characteristics; to take steps to meet the needs of those staff and to encourage them to participate in activities where their participation is disproportionately low.
- Foster good relations between people who share a protected characteristic and those who do not.



4.1.5 The Equality Duty is supported by **specific duties**, set out in regulations which came into force on 10th September 2011. The specific duties require public bodies to:

- Publish at least annually, relevant, proportionate information to demonstrate our compliance with the general equality duty.
- Prepare and publish at least one objective every four years which is aimed at achieving the general equality duty. The objectives must be specific and measurable.

4.1.6 Discrimination based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation is unlawful and as members of a public authority, each employee and Authority Member has a duty to uphold these legal principles.

4.2 What is Diversity?

- 4.2.1 Diversity is a commitment to recognise and appreciate the variety of characteristics that makes individuals unique in an atmosphere that practices and celebrates individual and collective achievement. It is about good management practice and is based on the principle that a diverse workforce is a workforce that is better able to deliver organisational objectives.
- 4.2.2 Capturing and valuing the diversity of our workforce is a positive outcome, which is based on firm business goals.
- 4.2.3 Diversity describes the range of visible and non-visible differences that exist between people. When we talk about managing diversity we are therefore referring to the harnessing of these differences to create a productive environment in which everybody feels valued, where talents are fully utilised and in which organisational goals are met.

4.3 Why is Equality and Diversity Important?

- 4.3.1 As a theme, equality and diversity has gathered considerable momentum over the past few years. In many areas we have seen the introduction of new legislation, the more detailed definition of different types of discrimination and the raising of the profile of anti-harassment and anti-bullying strategies across the entire public sector. Clearly, the impact of this area has been profound but its underlying ethos can be lost sometimes. A holistic examination of equality and diversity reveals three main arguments for ensuring any framework we choose to use is effective and appropriate. These points are:

The Moral Case – All staff and members of the community have the right to be treated with respect and dignity. It is morally unacceptable to unfairly discriminate. We therefore all have a moral duty to carry out these responsibilities fairly and in a non-discriminatory manner.

The Legal Case – the Equality

Act 2010 covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person. The law allows people to seek remedies through employment tribunals, criminal and civil courts, which can be extremely damaging and costly to the organisation.

The Business Case – a working

policy incorporating equality and diversity should result in a Service whose personnel represent all sections of the community, who can expect to be treated with respect and dignity and who can expect to be selected for promotion, training and development purely on ability and merit. It is proven that an organisation that respects and nurtures the diverse range of skills and abilities of its workforce will be a successful one – it makes good business sense!



5 Rights and Responsibilities

5.1 Our Commitment

5.1.1 Hereford & Worcester Fire and Rescue Service opposes all forms of unlawful and unfair discrimination. All staff will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

Our Commitment:

- a) To create an environment in which individual differences and the contributions of all staff are recognised and valued.
- b) Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying, harassment or victimisation will be tolerated.
- c) Training, development and progression opportunities are available to all staff and selection for them will be based on merit and ability.
- d) Breaches of our equality policies and practices will be regarded as misconduct and could lead to disciplinary proceedings.



5.2 Leadership

5.2.1 The Service actively encourages the demonstration and development of leadership at all levels and supports this with six key messages:

- Show passion and strive to be better.
- Do the right thing even when it's difficult.
- Encourage and respond to contributions from all.
- Use experience and knowledge to the best of our abilities.
- Remain objective and set clear expectations.
- Spend time with people.

5.3 Your Rights

5.3.1 This is what you can expect from Hereford & Worcester Fire and Rescue Service:

- a) No employee or job applicant will be treated less favourably than another because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. We will

always operate in a meritocratic environment.

- b) You have the right to full access to the equal opportunities policy, the Service strategy and Authority plan, which highlights our commitment to equality and diversity.
- c) You have the right to work in an environment which is free from discrimination, harassment, bullying and victimisation.
- d) You have the right to be part of a workforce which is free from hostility, aggression and intimidation.
- e) You have the right to be selected for employment, training and development on the basis of your merit, abilities and capabilities.
- f) You have the right to have access to our mediation and intermediary scheme which can support the resolution of any issues of concern you may have.
- g) You have the right to contact or become involved with the Equality & Diversity Advisory Group to support the development of Equality and Diversity in the organisation.

5.4 Your Responsibilities

5.4.1 This is what Hereford & Worcester Fire and Rescue Service expect of you.

- a) To cooperate with all measures regarding equal opportunities by becoming familiar with the equal opportunities policy and related documentation and being committed to implementing it in the workplace.
- b) To treat all employees fairly and reasonably and not allow your own conduct to cause offence or misunderstanding.
- c) To treat colleagues with respect and dignity and value the diversity of people working for the Authority and the contribution they bring.
- d) To welcome new arrivals into the workplace.
- e) Be proactive, be aware, be receptive and be prepared.
- f) Not to unlawfully or unfairly discriminate.
- g) Not to induce or pressurise others to do the above.
- h) Not to harass, abuse or intimidate others.
- i) To draw to the attention of line managers any suspected discriminatory acts or practices. (Refer to the Grievance SPI for alternative ways to raise concerns)
- j) Be aware of the organisation's values and to ensure you work within its confines.
- k) Become aware of the type of behaviour which supports the philosophy and values of the Service and that which would give offence to fellow employees and make your disapproval of such behaviour known.
- l) Speak out if you see harassment or bullying in your workplace and support colleagues who have suffered unfair or offensive behaviour.

5.5 Where can you get help?

5.5.1 There are many sources of help but the more common sources are listed below:

Line Managers

Occupational Health Service (Via Line Managers and HR Department)

General Practitioner

Mediation, Intermediary and Listening Ear

ACAS

www.acas.org.uk

The Equalities and Human Rights Commission

www.equalityhumanrights.com

The Government Equalities Office

www.homeoffice.gov.uk/equalities

Business Link

www.businesslink.gov.uk

Asian Fire Service Association

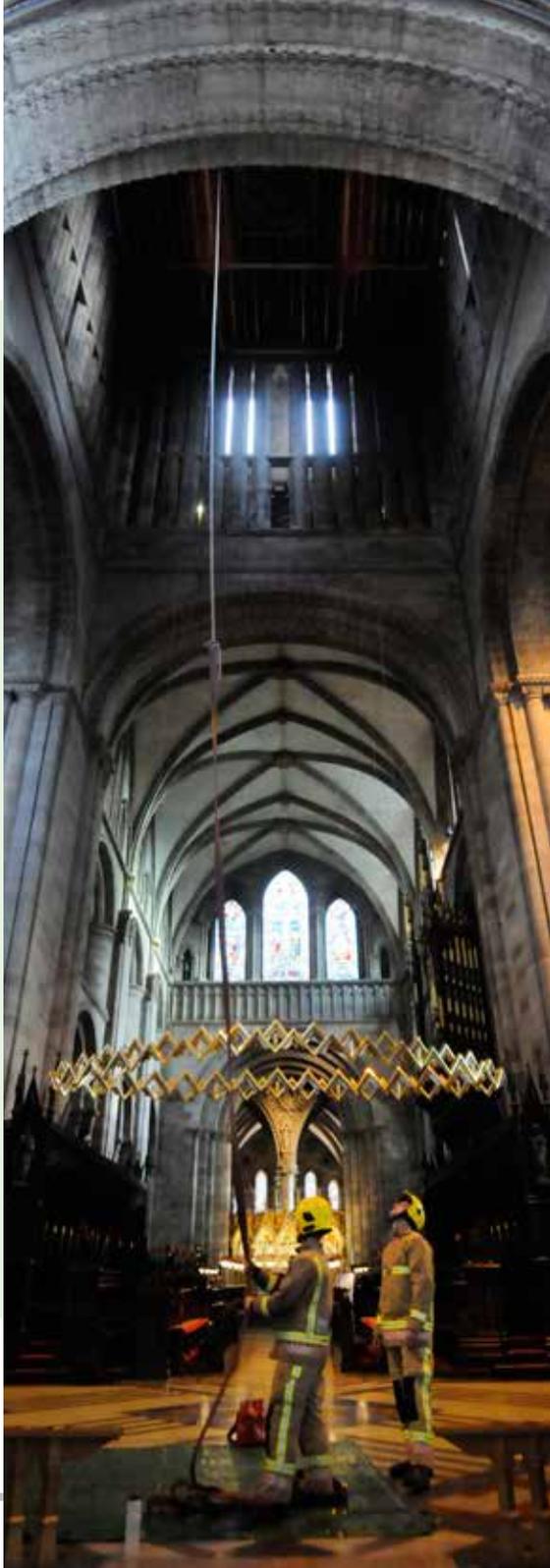
www.afsa.co.uk

Stonewall

www.stonewall.org.uk

Networking Women in the Fire Service

www.nwfs.net



6 The Employees' Code of Conduct

6.1 Honesty, Integrity, Impartiality and Objectivity

An employee must perform their duties with honesty, integrity, impartiality and objectivity.

6.2 Professional Responsibilities

An employee must:

- Be honest and open with managers and always try to resolve issues informally (refer to the Grievance SPI for alternative ways to raise concerns which relate to issues of a serious nature).
- Co-operate with all reasonable management requests.
- When offering criticism, provide a reasoned argument and offer solutions where possible.
- Avoid negative and destructive behaviours and comments.
- Be respectful to all work colleagues and external work contacts.
- Consider how negative comments and behaviours impact on others and affect team performance.
- Accept that mistakes will be made and that not everything will be perfect or meet your expectations, despite the best efforts of others.
- Ensure that both within the workplace and community your attitude, behaviours and interactions with others portray a positive image and attitude.
- Support the Service, Managers and colleagues in portraying a professional and competent Service.
- Understand that others are usually also trying to do the right thing, but may have a different viewpoint or set of considerations to yourself.
- To treat all employees fairly and reasonably and not allow your own conduct to cause offence or misunderstanding through any form of communication such as email, social media, face to face communications.



6.3 Accountability

An employee must be accountable to the Authority for their actions.

6.4 Respect for Others

An employee must:

- a) Treat others with respect;
- b) Not discriminate unlawfully against any person and
- c) Treat members and co-opted members of the Authority professionally.

6.5 Stewardship

An employee must:

- a) Use any public funds entrusted to or handled by them in a responsible and lawful manner; and
- b) Not make personal use of property or facilities of the Authority unless properly authorised to do so.



6.6 Personal Interests

An employee must not in their official or personal capacity:

- a) Allow their personal interests to conflict with the Authority's requirements; or
- b) Use their position improperly to confer an advantage or disadvantage on any person.

6.7 Registration of Interests

An employee must comply with any requirements of the Authority:

- a) To register or declare interests with the Committee Services Section.
- b) To declare hospitality, benefits or gifts received as a consequence of their employment to the Committee Services Section.

6.8. Reporting Procedures

An employee must not treat another employee of the Authority less favourably than other employees by reason that that employee has done, intends to do or is suspected of doing anything under, or by reference to, any procedure the Authority has for reporting misconduct.

6.9 Openness

An employee must:

- a) Not disclose information given to them in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it or unless they are required by law to do so.
- b) Not prevent another person from gaining access to information to which that person is entitled by law.

6.10 Appointment of staff

An employee must not be involved in the appointment of, or any other decision relating to, the discipline, promotion, pay or conditions of

another employee, or prospective employee, who is a relative.

In this paragraph,

“Relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons.

“Partner” in sub-paragraph (a) above means a member of a couple who live together.

6.11 Duty of Trust

An employee must act at all times in accordance with the trust that the public is entitled to place in him/her.



7 Glossary of Terms

The Equality Act 2010 defines the following:

Direct discrimination - Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

Discrimination by association - Already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception discrimination - Already applies to age, race, religion or belief and sexual orientation. Extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect discrimination - Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Extended to cover disability and gender reassignment.

Indirect discrimination can occur when you apply a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate means being fair and reasonable, including showing that you have looked at 'less discriminatory' alternatives to any decision you make.

Harassment - Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or

creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Third party harassment - Already applies to sex. Extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation.

The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

Victimisation - Victimisation occurs when an employee is treated less favourably because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

Protected Characteristics - The Equality Act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment.

Age - The Act protects people of all ages. Different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, ie if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

Disability – The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

Gender reassignment - The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered.

Marriage and civil partnership - The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

Pregnancy and maternity - A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her

pregnancy and any statutory maternity leave to which she is entitled. You must not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment

Race - For the purposes of the Act 'race' includes colour, nationality and ethnicity or national origins.

Religion or belief - In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief.

Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.



Sex - Both men and women are protected under the Act.

Sexual orientation - The Act protects bisexual, gay, heterosexual and lesbian people.

Positive action - As with previous equality legislation, the Equality Act 2010 allows you to take positive action if employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

Other relevant terms include:

Institutionalised Racism - MacPherson defines institutionalised racism 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 disadvantage minority ethnic people.



Prejudice – is an unfair and unreasonable opinion or feeling, especially when formed without enough thought or knowledge.

Intimidation – Can occur when someone, with a view to compelling any person to abstain from doing an act which they have a legal right to do:

- Uses violence to or intimidates such other person, their spouse or children, or damages their property.
- Persistently follows such other persons from place to place.
- Hides any tools, clothes or other property owned or used by such other person, or deprives them of or hinders them in the use thereof.
- Watches or besets the house or other place where such person resides, or works, or carries on business, or happens to be, or the approach to such house or place.
- Follows such other person with two or more other people in a disorderly manner along any street or road.

Bullying - Is any persistent behaviour, directed against an individual, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient. Bullying is largely identified not so much by what has actually been done but rather by the effect that it has on its target. Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. An occasional raised voice or argument is not bullying.

Reasonable Adjustments - The duty to make reasonable adjustments arises where a provision, criterion or practice applied by or on behalf of the Fire and Rescue Service, or any physical feature of premises occupied by the Fire and Rescue Service, places a disabled person at a substantial disadvantage compared with people who are not disabled.

The Fire and Rescue Service has to take such steps as is reasonable for it to have to take in all the circumstances to remove or minimise the disadvantage – i.e. make a 'reasonable adjustment'.

8 Annex A

8.1 Related SPIs

Anti-Fraud and Corruption Policy

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 1.9

Confidential Reporting (Whistleblowing)

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 1.12

Grievance Procedure

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 7.1

Disciplinary Policy

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 7.2

Capability Policy

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 7.3

Fitness Management

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 8.1.1

Counselling Policy

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 8.1.2

Attendance Management

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 8.2

Smoke Free Workplace

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 8.3

Management of Stress in the Workplace

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 8.6

Equal Opportunities Policy

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 9.1

Harassment and Bullying Policy

- Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 9.6

Recruitment and Selection

Quality Standards - Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 10.1

Standards of Dress and Personal Appearance

Service Policy/Instruction No.1 – Management and Administration, Section D – Personnel, Part 19.



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For further information contact
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