



# Conduct policy

August 2008

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## Summary

1. ORR's conduct policy sets out the standards of conduct and behaviour that ORR and the civil service expects of its employees. It is designed:
  - (a) to protect you from unfair claims of misconduct or from the misconduct of others; and
  - (b) to ensure that ORR is a safe, professional place to work.
2. You are expected to demonstrate ORR values in your day-to-day work. Our values are:
  - Communicative: listening, open, transparent
  - Valuing\respecting people: behaviour, treatment of others, diversity
  - Professional: conviction, consistency, expertise
  - Strategic\proactive: big picture, focus, anticipatory
  - Empowering people: developmental, creative, sharing expertise
3. We have discretion to judge behaviour or conduct as unsatisfactory based on the facts of each case, and will initiate disciplinary proceedings if appropriate.
4. If you are unsure about any aspect of this policy you can speak to your manager (who, if in doubt, should refer the matter to human resources), human resources directly or your trade union/staff representative.

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## General principles as a civil servant

5. Civil servants are servants of the Crown and owe a duty of loyal service to the Crown as your employer. Since constitutionally the Crown acts on the advice of ministers who are answerable for their departments and agencies in Parliament that duty is, subject to the provisions of the civil service code, owed to the duly constituted Government.
6. The constitutional role of the civil service is, with integrity, honesty impartiality and objectivity, to assist the duly constituted Government, of whatever political complexion, in formulating policies of the Government, carrying out decisions of the Government and in administering public services for which Government is responsible.
7. Every civil servant is expected to maintain at all times a high standard of integrity and personal conduct. You must not only be honest but also beyond any suspicion of dishonesty. You must not put your private interests before your duty to the crown, or allow yourselves to be put in a position where your duty and private interests conflict, or make use of your official

position to further those interests. Similarly, you must not engage in any activities which might discredit the civil service.

## Confidentiality

8. You are under an obligation to keep the confidences to which you become privy in the course of your work. This is a duty of every civil servant, and every former civil servant. It applies to any document or information or knowledge which has come to you in the course of duty and which is held in confidence within Government. You must not without prior authority make any disclosure which breaches that obligation.
9. Any unauthorised misuse or disclosure may result in you: (a)  
Forfeiting the trust put in you as an employee;  
(b) Undermining the confidence between ministers and civil servants and thus damaging colleagues in the civil service as well as you; or  
(c) Becoming liable to disciplinary action, including the possibility of dismissal, and to possible civil law proceedings.
10. You must continue to observe the duty of confidentiality after you have left crown employment.

## Civil service code and the Official Secrets Act

11. You are expected to comply with the [civil service code](#) and with [the Official Secrets Act](#) at all times.

## Public interest disclosures / whistleblowing

12. ORR has a separate whistleblowing and raising a concern policy that you are required to comply with.

## Providing information to outside bodies and individuals

13. Civil servants are expected to be prepared to make available official information, which is not held in confidence within Government, in accordance with Government policy and the Freedom of Information Act. You must not, without relevant authorisation, disclose official information, which has been communicated in confidence within Government or received in confidence from others.
14. The above provision applies in situations where you are required or expected to give information to Parliamentary select committees, to the media, or to individuals. The requirements of security and confidentiality apply as above. If you are in doubt about these matters should seek advice from your line manager or the head of human resources.

## Surveys conducted by outside bodies

15. From time to time we will use outside bodies to survey our staff and you will be informed that they are taking place through regular internal communications.
16. You are not prohibited from taking part in surveys unconnected with official matters and about which you are approached in your private capacity outside office hours. However, you must not take part, even if the comments cannot be attributed to you, in surveys or research projects seeking the views of civil servants on political matters or matters of Government policy.
17. If you are approached by organisations or individuals seeking the views of civil servants as a contribution to research projects, including market research surveys, then you are advised to refer the enquiry to your manager without providing any information to the outside company.

The manager can then determine whether participation in the survey adds value to the work of the team.

## Attendance at outside conferences

18. Particular care should be taken before you accept an invitation to attend an outside conference on a topic of interest to ORR, whether the invite is issued to you in an official or private capacity. You should take no part in the discussions at the conference if these are likely to be politically controversial. In any case you are expected to behave with discretion and to be on guard against expressing views which might be interpreted as being based on official information or as representing ORR policy.

## Conflict of interests

19. If you believe that there may be a possible conflict between your official duties and your personal interests (or the interests of your family, relatives or friends), you must report it at once to your line manager who will be responsible for judging whether there is a conflict and whether the matter should be referred higher. This includes not only business or financial interests but any other dealings with individuals or groups who share your private interests.

20. Work involving a potential conflict of duty will be transferred to another person to avoid any possible embarrassment to you or ORR.

## Political activities

### General principles

21. For the civil service to serve successive Governments of different political persuasions, ministers and the public must have confidence that your personal views do not affect the discharge of your official duties. The intent of the rules governing political activities by civil servants is to allow them the greatest possible freedom to take part in public affairs without infringing this fundamental principle. The rules are concerned with political activities that give public expression to political views, rather than privately held beliefs and opinions.

### National political activities

22. Activities subject to restriction are:

- (a) holding, in a party political organisation, office which impinges wholly or mainly on party politics in the field of Parliament, the Scottish Parliament, the Welsh Assembly or the European Assembly;
- (b) speaking in public on matters of national political controversy, or expressing views on such matters in letters to the press, books, articles or leaflets, through e-mails or on the internet;
- (c) being announced publicly as a candidate for Parliament, the Scottish Parliament, the Welsh Assembly, or the European Assembly;
- (d) canvassing on behalf of a candidate for Parliament, the Scottish Parliament, the Welsh Assembly, or the European Assembly, or on behalf of a political party.

### Local political activities

23. Activities subject to restriction are:

- (a) holding, in a party political organisation, office impinging wholly or mainly on party

- politics in the local field;
- (b) speaking in public on matters of local political controversy or expressing views on such matters in letters to the press, books, articles or leaflets through e-mails or on the internet;
  - (c) candidature for, or co-option to, local authorities;
  - (d) canvassing on behalf of candidates for election to local authorities or a local political organisation.

## Classification of staff

24. The extent to which you can take part in political activities depends in which three groups you fall into:

- (a) *The politically free group*: grade G only. You in this group are free to engage in all political activities, except for election to Parliament, the Scottish Parliament, the Welsh Assembly, or the European Assembly;
- (b) *The politically restricted group*: grades A-C, 2C and SCS. You are barred from engaging in national political activities. You must seek permission from the head of human resources to engage in local political activities. If you are elected to a local authority, you must notify the head of human resources; or
- (c) *The intermediate group*: grades D-F. You must seek permission from the head of human resources to engage in national and/or local political activities.

25. All civil servants are disqualified from election to Parliament or the European Assembly. You must resign before standing for election.

26. If you are given permission to take part in political activities you must request renewal of such permission if you move to another area of work. Such activities must be given up if you are moved to a job where permission cannot be granted.

27. Civil servants may not take part in any political activity when on duty and/or on official premises. You may not attend in your official capacity any outside conference or function convened by or under the aegis of a party political organisation. It is equally undesirable for civil servants to be present on other party occasions, including meetings of party Parliamentary committees.

28. If you have been given permission to engage in political activities you must not allow the expression of your political views to constitute so strong and comprehensive a commitment to one political party as to inhibit or appear to inhibit loyal and effective service to ministers of another party. You must take particular care to express comment with moderation, particularly about matters for which your own minister is responsible; to avoid comment altogether about matters of controversy affecting the responsibility of your ministers; and to avoid personal attacks. You must also take care to avoid any embarrassment, which could result from bringing yourself prominently to public notice, as civil servants, in party political controversy.

29. Staff in the politically free group need not resign on adoption as prospective candidates, but to prevent the election being declared void you must submit your resignation before you give your consent to nomination in accordance with the Parliamentary election rules.

30. Those in the politically restricted or intermediate groups must not issue an address to electors or allow themselves to be publicly announced as candidates or prospective candidates for Parliament or the European Assembly; and you must resign from the civil service on your formal adoption as candidates or prospective candidates for election to either body. You must complete your last day of service before your adoption papers are

completed.

31. ORR has discretion to reinstate people who have resigned to stand for election to Parliament or the European Assembly: this discretion will only be exercised where it is possible to post you, at least initially, to a non-sensitive area of work.
32. Salary is not payable for any break in service while standing for election as, or serving as, a member and the period of the break will not count for superannuation purposes.
33. You do not need permission to take part in activities organised by your trade union or the staff representatives group. Elected trade union representatives may comment on Government policy when representing the legitimate interest of members, but in doing so they must make it clear that they are expressing views as representatives of the union and not as civil servants.

### **Political activities - appeals**

34. You have the right of appeal to the [civil service appeal board](#) against any refusal by ORR to allow participation in political activities. Guidance on submitting appeals to the civil service appeal board can be found on their website.

### **Personal activities and other employment**

35. You must not engage in any personal activity, or take on other employment, which would in any way detrimentally affect your effectiveness in your official duties or be inconsistent with your position as civil servants, or as members of ORR (for example, late evening jobs that might affect your attendance at work).
36. You must inform the head of human resources before taking any outside employment, job or position, which might affect your official work directly or indirectly. If it is considered that the work or activity might affect your capability to do your job then you will be asked to discuss how any potential issues can be resolved.

### **Publications, inventions, intellectual property, lectures and broadcasts**

37. You must obtain the permission of your director and the head of human resources before publishing any book, letter, e-mail or article, including on the internet, or giving any lecture or conference presentation connected with your work or with the affairs of ORR. The text of any proposed publication, presentation or lecture should be submitted when seeking permission. Any direct invitation to take part in a radio or television programme must be referred to your director.
38. You must not publish or broadcast personal memoirs reflecting your experience in Government, or enter into a commitment to do so, whilst in crown employment. The permission of the ORR chief executive and the head of the home civil service must be obtained, before entering into a commitment to publish such memoirs after leaving the service.
39. Copyright in any works, including inventions and intellectual property, made in the course of crown employment is crown copyright. You must obtain the permission of your director and the head of human resources before entering into any arrangements regarding the publication of any articles or materials, or any inventions/intellectual property, you have produced as part of your official duties. ORR will decide whether the matter should be referred to the copyright unit of HMSO for consideration of the copyright implications.
40. If work is created by you entirely in your own time and is clearly unconnected with your official duties, then crown copyright is not an issue. If you independently create a work relating to your official duties you should in the first instance refer the matter to the head of human

resources, who may in turn need to consult the copyright unit of HMSO. In these circumstances, the following factors will be taken into account:

- (a) whether you produced all or part of the work in official time;
- (b) whether the work is based on crown copyright sources; and
- (c) whether there are any security implications.

41. If a work is crown copyright in its entirety (i.e. it has been prepared by a civil servant in the course of his or her duties), you will not be entitled to any additional remuneration.

42. Civil servants who are accredited trade union representatives can publicise views on an official national matter which affects the members of their union (such as national pay or pensions) provided they make it clear that they are acting as a union representative; and also provided that their own official duties are not directly concerned with the matter.

43. You may not retain fees received for your services if use is made of official information, material or your experience, either privately or officially, but you may accept fees on behalf of ORR (these are paid to the finance team). If you are offered a gift in substitution for a fee (such as free conference tickets) for any broadcast, speech, lecture or other service, this may also be accepted, but it must be reported as a gift under the gifts and hospitality policy, and used as appropriate.

44. The head of human resources must be consulted in all cases whether there is any doubt.

## **Business interests and shareholdings**

45. There is no objection to civil servants investing in shareholdings unless the nature of your work is such as to require constraints on this. You must not be involved in any work, which could affect the value of your private investments, or the value of those on which you give advice to others; nor must you use information acquired in the course of your work to advance your private financial interests, or those of others.

46. You must comply with ORR's policy on private and financial interests in the railway industry, and must declare any other business interests or shareholdings (including directorships) which you or members of your immediate family (spouse/partner and children) hold – to the extent to which you are aware of them – which you would be able to further as a result of your official position.

47. Further information is available in the [conflicts of interest policy](#).

## **Bankruptcy and insolvency**

48. If you become bankrupt or insolvent you must immediately report the fact to the head of human resources, together with a complete statement of the facts. Failure to do so will be treated as a serious disciplinary offence. Under no circumstances can a civil servant who is insolvent or bankrupt be employed on duties which involve handling public funds.

## **Arrests and convictions**

49. If you are accused of any criminal offence, you must report the facts immediately to the head of human resources, as well as the outcome of any subsequent proceedings. Failure to comply will be treated as a serious disciplinary offence.

50. You are not required to report a traffic offence committed in a purely private capacity unless it results in disqualification from driving, or imprisonment, or both. You must, however,



report to your line manager any traffic offence involving an official vehicle (including hire cars or lease cars) or a private vehicle being used on official duties.

51. If you are convicted of any criminal offence that calls into question your suitability as an employee of ORR, you will be subject to disciplinary action and may be dismissed.

## Employment after resignation or retirement

52. Taking employment after resignation or retirement is governed by the business appointment rules. The purpose of the rules is to protect the ORR, the individual affected and the prospective new employer from any suspicion of impropriety, while recognising that it is in the public interest that people should be able to move from Government departments into business or other bodies, including the railway industry.

53. In brief, you must obtain the approval of the head of human resources before accepting any form of part-time, full-time or fee-paid employment within the first two years of leaving the civil service:

- (a) If you have been a member of the senior civil service; or
- (b) If you have had any official dealings with your prospective employer during the last two years of crown employment; or
- (c) If you have had official dealings of a continued or repeated nature with the prospective employer at any time during your period of crown employment; or
- (d) If you have had access to commercially sensitive information on competitors of the prospective employer in the course of your official duties; or
- (e) If, during the last two years of crown employment, your official duties involved advice or decisions benefiting that prospective employer, for which the offer of employment could be interpreted as a reward, or have been involved in developing policy, knowledge of which might be of benefit to the prospective employer; or
- (f) If you are to be employed on a consultancy basis – either for a firm of consultants or in an independent capacity – and have had any dealings of a commercial nature with outside bodies or organisations in your last two years of crown employment.

54. To request approval you should send an email to the head of human resources setting out the details of your prospective employer and explaining what previous involvement you have had with their business. Approval will normally be given within 5 working days. If there is a concern, however, you will be called to attend a meeting to be held within 10 working days to discuss ORR's concerns and any proposed resolutions. ORR may need to consult the office of public service under the terms of the business appointment rules in the case of significant concerns.

55. All applications are considered on their merits and in the light of the circumstances of the case. Approval will not unreasonably be withheld, and if approval is withheld then the reasons for this will be provided in writing and restrictions may be put in place.

56. The fact of your access, while in the employment of the ORR, to commercially confidential information about the activities of one company would not of itself automatically lead to restrictions on employment with that company, or any company which is or might be in competition with it.

57. In deciding whether to impose further restrictions under the terms of the business appointment rules the main tests ORR would apply would relate to whether a reasonable

person could take the view that either:

- (a) your appointment could be considered a reward for decisions which the ORR has taken in favour of the company; or
- (b) the company would be gaining a material unfair advantage over its competitors because you had access to confidential information about those competitors or had knowledge of impending changes in regulation which the company could use to its advantage.

58. In the event that ORR concluded that the appointment could not be allowed to proceed unconditionally, the maximum restriction it could apply would be a delay of two years in taking up the appointment. In practice, the delay imposed would be three to six month's duration, but we would explore with you and any prospective employer alternative remedies that would permit the appointment to be taken up without a delay.

## Examples of expected conduct

59. As an employee you are expected to:

- (a) Have read and understood the statement of terms and conditions of employment and the conduct policy before your employment commences
- (b) Behave in a courteous and respectful manner towards fellow employees and outside contacts, in accordance with ORR's values
- (c) Report any infringement of the conduct policy to your manager at the earliest opportunity
- (d) Inform human resources if you are arrested or convicted of a criminal offence
- (e) Comply with the managing sickness absence policy, and inform your manager (or other relevant person) when you are unable to come to work due to sickness
- (f) Seek permission for annual leave and other instances of time off from your manager
- (g) Work your contracted hours of work, and adhere to the rules of the flexitime scheme if applicable
- (h) Report any injury or accident occurring at work to your manager and the head of facilities
- (i) Report any loss or damage in the course of your work to personal or ORR property to your manager
- (j) Inform human resources of any infectious/contagious diseases occurring within your family/circle of friends that could be a serious health risk to others (such as german measles, mumps, tuberculosis) - human resources will then seek advice from occupational health. If a case of german measles is reported then human resources will post a note on ORRacle to let women who are, or may be, in the early stages of pregnancy know - appropriate measures can then be put in place to minimise the risk of infection.
- (k) Act professionally if you are a member of another professional body – complying with the rules of conduct of that body
- (l) Be aware of ORR's health & safety policy and security notices and their meaning, seeking clarification if necessary
- (m) Wear any protective clothing/equipment provided to you in the performance of your duties and otherwise comply with all health and safety rules in force
- (n) Co-operate with the ORR's landlords to ensure the safety and security of



ORR's other employees, premises and property

- (o) Maintain a clean and neat appearance appropriate for your job
- (p) Notify human resources of any changes in your address, your next of kin or emergency contact details, your marital status, death benefit nominee or other personal details at the earliest opportunity
- (q) Return all property belonging to the ORR on or before your last date of employment
- (r) Carry out a reasonable instruction given by those supervising or managing your activities and/or area of work and any other instructions that apply to you
- (s) Not use or attempt to use ORR property, or any other property on ORR premises, for any purpose other than that for which it was intended and for which you have authorisation
- (t) Not carry out any business or employment which is unconnected with the ORR during or outside working hours which impacts on performance or represents a conflict of interest with your job at ORR
- (u) Inform your manager or a colleague if you need to leave work unexpectedly – this must be orally and not by email
- (v) Obtain the permission of your line manager if you wish to join any of the reserve forces. Reservists must seek approval from their manager, grade C and above if they intend to volunteer for High Readiness Reservist (HRR) status making them liable to be deployed with minimal notice.
- (w) Comply with ORR's policies and procedures, including the policies on fraud, gifts and hospitality, private and financial interests, and computer use

## Examples of misconduct

60. This list gives examples of activities that may result in disciplinary action being taken against you. This list is not exhaustive.

- (a) Security breaches
- (b) Refusal to obey a legitimate instruction
- (c) Refusal to answer a question during the course of a properly constituted investigation
- (d) Absence without permission, or persistent absence
- (e) Unauthorised disclosure of official information
- (f) Breaches of staff rules or the staff handbook
- (g) Neglect of official business/neglect of duty
- (h) Persistently poor timekeeping, including misuse of flexible working hours
- (i) Continued poor work performance, or a persistent failure to keep up-to-date with technical developments
- (j) False statements, and vexatious or malicious complaints
- (k) Bringing or being likely to bring discredit on ORR and/or the civil service (not deemed serious enough for gross misconduct)
- (l) Misuse of official property, such as official stationery or equipment

- (m) Insubordination (not deemed serious enough for gross misconduct)
- (n) Conviction on criminal charges
- (o) Acceptance of benefits or favours that may be considered as bribes
- (p) Betting and gambling during working hours, or on official premises (lottery and other charity syndicates are allowed)
- (q) Unprofessional conduct or behaviour that is not in the spirit of ORR's values
- (r) Culpable loss or damage to ORR property
- (s) Breaching ORR's electronic mail and internet policies
- (t) Harassment or bullying (not deemed serious enough for gross misconduct)
- (u) Breaches of our equality and diversity policy (not deemed serious enough for gross misconduct)
- (v) Not disclosing being the subject of criminal investigation

## Examples of gross misconduct

61. This list gives examples of activities that will result in disciplinary action being taken against you, and may result in your dismissal from ORR. This list is not exhaustive.

- (a) Acts of dishonesty, where your conduct affects your ability or suitability for continued employment; for example, theft, fraud or deliberate falsification of records or expenses
- (b) Physical violence or unacceptably aggressive behaviour
- (c) Unacceptable sexual behaviour at work
- (d) Deliberate damage to official property
- (e) Serious incapability whilst on duty brought on by alcohol or illegal drugs
- (f) Serious negligence which causes unacceptable loss, damage or injury
- (g) Serious acts of insubordination or rudeness
- (h) Serious breaches of confidence (subject to the Public Interest (Disclosure) Act 1998)
- (i) Unauthorised access to computer records
- (j) Being in possession of firearms or any offensive weapon whilst at work
- (k) A serious breach of health and safety rules or policies
- (l) Serious bullying or harassment (other than minor breaches)
- (m) Breaches of ORR's equality and diversity policy (other than minor breaches) (n) Bringing ORR and/or the civil service into disrepute
- (o) Conviction on serious criminal charges