

ISLE OF MAN PRISON SERVICE



CODE OF CONDUCT AND DISCIPLINE

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Code of Conduct and Discipline

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ISLE OF MAN PRISON SERVICE

Statement of Purpose and Values

Purpose

The Isle of Man Prison Service serves the public by keeping in custody those committed by the Courts.

Our duty is to keep prisoners in custody, maintain order and control, to treat prisoners with dignity, fairness and respect and provide opportunities to help them lead law-abiding lives after release.

Prison Service Objectives

- maintain the security of the prison and prevent escapes
- maintain order in the prison and ensure it is a safe place for prisoners to live and staff to work
- ensure the prison provides clean and healthy living conditions
- attend to prisoners mental and physical well being
- offer programmes of work and education providing prisoners with useful skills
- provide for prisoners spiritual needs
- encourage and motivate prisoners to refrain from criminal activity
- help prisoners maintain links with their families and prepare for release
- hold the confidence of the public, judiciary and legislature
- make efficient use of the resources provided to the Service.

Values

The following values will underpin our work:

- Deal fairly, openly and humanely with prisoners and all others who come into contact with them.
- Encourage prisoners to address offending Behaviour and respect others.
- Value and support each other's contribution.
- Promote equality of opportunity for all and combat discrimination wherever it occurs.
- Work constructively with criminal justice agencies and other organisations.
- Make good use of the resources made available.

Definition and Standards

The code of Conduct and Discipline applies to all staff employed to work in the Isle of Man Prison and who come under the line management of the prison Governor.

Any person whose employment involves working in the prison will be expected to conform to the standards and values set out in the Code of Conduct and Discipline. Persons whose actions or Behaviour is in breach of the Code may be liable to disciplinary action under the Public Services Commission Civil Service Regulations 2015 and/or the code of Conduct and Discipline for their employing Department or Agency. The Prison Governor reserves the right to exclude any person from the prison (Paragraph 66 (3) Custody Rules 2001), given reasonable suspicion or evidence that the standards of conduct defined in this Code have been breached. A person so excluded will be given written confirmation of the reasons for their exclusion.

Isle of Man Prison Service

Code of Conduct and Discipline for Prison Staff

SECTION 1: INTRODUCTION; PRINCIPLES

- 1.1 All members of the Isle of Man Prison Service are expected to observe certain standards of conduct. A positive commitment on the part of members of the Isle of Man Prison Service to those standards of conduct and strict adherence to them are fundamental to the successful performance of the duties and responsibilities of the Service. Any failure to meet them undermines the work of the Service.
- 1.2 The commitment to upholding standards of conduct must, therefore, be underpinned by disciplinary procedures which provide a fair and open method of dealing with alleged misconduct. This Code sets out the standards of conduct expected of staff. The investigation of any act of alleged misconduct and the arrangements for disciplinary hearings, penalties and appeals will be in accordance with the Public Services Commission Civil Service Regulations 2015. The primary objective is to ensure that standards are maintained and to encourage improvement in individual conduct and not primarily to impose penalties on the employee.
- 1.3 The Isle of Man Prison Service Code of Conduct and Discipline supplements the Code of Conduct for civil servants working in the Isle of Man Public Service and the general provisions covered in the Public Services Commission Civil Service Regulations 2015. The Isle of Man Prison Service Code provides additional definitions of the standards of Conduct required from those employed to work in the prison environment.

SECTION 2: PROFESSIONAL STANDARDS STATEMENT

Purpose

2.1 Prison Service staff are expected to meet high standards of professional and personal conduct. All staff are personally responsible for their conduct. Misconduct will not be tolerated and failure to comply with these standards can lead to action which may result in dismissal from the Service.

This document therefore identifies and clarifies the key standards of professional and personal conduct expected of all staff.

It should be noted that this is not an exhaustive list. Any conduct that could undermine the work of the Service is not acceptable.

Prison Service Values

2.2 The Prison Service Values underpin the work of the Service and all staff are expected to act in accordance with them. Staff must therefore:

- Deal fairly, openly and humanely with prisoners and all others who come into contact with them.
- Encourage prisoners to address offending Behaviour and respect others.
- Value and support each other's contribution.
- Promote equality of opportunity for all and combat discrimination wherever it occurs.
- Work constructively with criminal justice agencies and other organisations.
- Obtain best value from the resources available.

CONDUCT EXPECTED

The following sets out the professional and personal standards of conduct expected of all staff.

2.3 General

Staff must carry out their duties loyally, conscientiously, honestly and with integrity. They must take responsibility and be accountable for their actions.

Staff must be courteous, reasonable and fair in their dealings with all prisoners, colleagues and members of the public. They must treat people with decency and respect.

All staff must comply with Service policies and procedures. Managers must ensure that standards of Behaviour and conduct are maintained.

2.4 Discrimination, Harassment, Victimisation and Bullying

Behaviour of this kind is not acceptable and will not be tolerated. Staff must not:

- Discriminate against individuals or groups of individuals because of their sex, racial group, sexual orientation, disability, religion, age or any other irrelevant factor.
- Harass others through Behaviour, language and other unnecessary and uninvited actions.

- Victimise or bully others through their actions and Behaviour.

2.5 Relationships with prisoners

Staff must exercise particular care to ensure that their dealings with prisoners, former prisoners and their friends and relations are not open to abuse, misrepresentation or exploitation on either side. Staff relationships with prisoners must be professional. In particular staff must not:

- Provoke, use unnecessary or unlawful force, or assault a prisoner.
- Use offensive language to a prisoner.
- Have any sexual involvement with a prisoner.
- Give prisoners or ex-prisoners personal or other information about staff, prisoners or their friends and relatives which is held in confidence.
- Have any contact in or outside work with prisoners or ex-prisoners that is not authorised.
- Accept any approaches by prisoners for unauthorised information or favours and must report any such incidents.

2.6 Corruption

Corrupt behaviour is not acceptable. Staff must not solicit or accept any advantage, reward or preferential treatment for themselves or others by abusing or misusing their power and authority.

2.7 Conflicts of Interest

Staff must not have private interests that interfere or could interfere with the proper discharge of their duties. This includes financial and business interests but also any personal relationships which could compromise or be perceived to compromise them in the discharge of their duties. Staff must bring any potential conflicts of interests to the attention of a Senior Manager. The Governor will maintain a register of conflicts of interest for prison staff.

2.8 Criminal Activity

Staff must not be involved in any criminal activity. They must inform the Governor as soon as possible if they are charged or convicted (including a police caution) of any criminal offence.

2.9 Use of Information

Staff must protect any information which they have obtained through their work in the Service, for example procedures, security information and staff and prisoner details.

2.10 Personal Finances

Staff must conduct their financial affairs in a proper and responsible way. If difficulties occur they must inform their manager. The Staff Welfare Service is available to staff for advice and support.

2.11 Conduct that affects the performance of duties

Staff must not take any action on or off duty that could affect, cast doubt on or conflict with the performance of their official duties. For example, outside activities or membership of organisations which promote racism.

2.12 Discredit on the Service

Staff must not bring discredit on the Prison Service through their conduct on or off duty.

SECTION 3: BEHAVIOUR WHICH MAY ATTRACT DISCIPLINARY ACTION

3.1 The main areas of potential misconduct in the Prison Service are set out below. Any Behaviour which is not specifically mentioned below but which is in clear breach of established standards of conduct expected of members of the Prison Service may also lead to disciplinary action. However not every action listed below will lead to disciplinary action if the action is of a relatively trivial nature or the matter is capable of resolution. The Governor, Deputy Governor or Chief Executive, Department of Home Affairs will have regard to all the circumstances of the case in deciding whether formal disciplinary action is appropriate.

3.2 Relations with others at the workplace

- fighting or assault on any other person;
- use of unnecessary force on a prisoner;
- deliberate provocation of a prisoner;
- offensive language or aggressive Behaviour towards prisoners, colleagues or members of the public;
- racial or sexual harassment or discrimination towards prisoners, colleagues or members of the public, any racially motivated offence, or failure to deal appropriately with any racist, sexist or discriminatory Behaviour.
- Membership of racist organisations and/or involvement in the activities of any such organisation.
- Exploitation of working relationships or abuse of seniority over colleagues e.g. by borrowing, lending money or bullying.

3.3 Unprofessional conduct

- trafficking: i.e.
 - any unauthorised monetary or business transaction with, or acceptance of gifts or favours from, prisoners, ex-prisoners or friends or relatives of prisoners or ex-prisoners;
 - bringing into, or carrying out of, a prison establishment, without proper authority, any items for or on behalf of a prisoner or ex-prisoner; or knowingly condoning such action;
- failure to obtain proper authority for actions or relationships in connection with prisoners or ex-prisoners or the friends or relatives of prisoners or ex-prisoners, which could otherwise be open to abuse, misinterpretation or exploitation on either side.

3.4 Performance of duties

- action or negligence likely to endanger the security of an establishment, including contributing to the escape of a prisoner;
- breaches of security;

- action or negligence in the course of duty which causes, or which could have caused, or contributes to loss, damage or injury to the Prison Service or individuals;
- failure to obey a lawful and reasonable order or written instruction;
- being unfit for duty through drink or drug abuse.
- unauthorised drinking of alcohol or taking prohibited drugs while at work or on duty. "On duty", in respect of drinking alcohol, does not normally include meal breaks, but staff must be fit for duty when reporting back after a meal break. Such cases will be dealt with in accordance with the Isle of Man Civil Service Drugs and Alcohol in the Workplace policy.

3.5 Timekeeping and attendance

- repeated poor timekeeping (including abuse of flexible working hours);
- unauthorised absence or lateness;
- abuse of provisions relating to sick absence.

3.6 Dishonesty and corruption

- dishonesty of any kind, such as false statement (for example in expenses or sick pay claims), alteration of records or misappropriation or misuse of official transport, funds or property;
- Corruption (i.e. abuse of official position for personal advantage or gain).

3.7 Confidentiality and engaging in political activities

- Unauthorised disclosure of official information held in confidence, whether to prisoners, the press or others.
- Breaches of staff rules in relation to political and outside activities.

3.8 Other misconduct, such as:

- conviction of any criminal offence (excluding fixed penalty offences) or receipt of a police caution for the offences listed in paragraph 3.9 below, and/or failure to report such a conviction or a caution.
- bringing discredit on the Prison Service. That is any action on or off duty which is likely to create an adverse effect on public confidence in the Prison Service;
- attempting to enlist the assistance or support of outside individuals or organisations to secure advancement or improve one's personal position, (e.g. in relation to transfers, promotion, discipline).
- failure to report misconduct by other members of staff. (this should generally apply only to wilfull concealment of acts of serious misconduct)

3.9 Gross Misconduct

"Gross misconduct" is defined as misconduct that is so serious as to make any further relationship and trust between the Prison Service and the member of staff concerned impossible and staff can therefore be dismissed for a first offence of gross misconduct. Serious cases of any of the types of misconduct listed above may amount to gross misconduct in this sense, e.g. reporting for duty seriously incapacitated by alcohol. A test of reasonableness must be applied in deciding whether a case constitutes gross misconduct and each case will be treated on its merits. Some examples of gross misconduct are:

- trafficking in money, prohibited drugs or alcohol;
- racial or sexual harassment or discrimination;
- membership of racist organisations;
- bullying;
- serious unprofessional conduct;
- assault;
- theft;
- fraud i.e. all intentional irregularities and illegal acts for private gain perpetrated by staff outside or inside the organisation;
- serious acts of negligence causing appreciable loss, injury or damage to Prison Service property;
- failure to obey a lawful and reasonable order or written instruction, leading directly to serious disorder or loss of control;
- conviction of a criminal offence - or receipt of a police caution for an offence - such as:
 - any racially motivated crime;
 - any offence of violence;
 - burglary, robbery or theft;
 - trafficking;
 - corruption;
 - drugs related offences;
 - any serious offence of criminal damage or arson;
 - sexual offences;
 - fraud.
 - driving under the influence of drugs or alcohol.

SECTION 4: DISCIPLINARY PROCEDURES

- 4.1 The disciplinary procedures set out in Section D of the Public Services Commission Civil Service Regulations 2015 will be applied in all cases. Prison staff are civil servants and subject to the provisions of the Public Services Commission Civil Service Regulations 2015, including those relating to Disciplinary matters. The Isle of Man Prison Service Code of Conduct and Discipline provides additional guidance and standards for staff working in the prison environment.
- 4.2 The table provided in this paragraph outlines the limits of authority in the discipline process according to Prison Service rank, with the relevant appeal authority.

Rank	Limit of authority	Appeal
Senior Officer	Formal oral warning	Deputy Governor
Principal Officer	Written warning	Governor
Deputy Governor	Final written warning	Governor
Governor	Dismissal	Independent Appeal Panel

(Amended May 2016)