

Part Four, Section A

Code of Conduct for Officers

INTRODUCTION

1. The public is entitled to demand and expect that local government employees will conduct themselves at the highest standard and with complete integrity. Officers are expected to demonstrate political neutrality when dealing with members of the public or elected **Councillors**.
2. The purpose of this code is to assist officers to understand what is expected of them. Observance of this code will help to maintain and improve standards and protect officers from misunderstanding or criticism.

Who is the Code aimed at?

3. This Code applies to all employees of Havant Borough Council.
4. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.
5. If officers require further advice, assistance or clarification of any information contained within this code, please refer to your manager, or contact the HR team or the Monitoring Officer.
6. This code seeks to recognise the challenges that officers face in an increasingly commercially orientated environment (e.g. **local authority companies**, trusts, joint partnership ventures etc.). There has always been a demand for transparency in local government and so ensuring that all officers are aware of, and adhere to, this code helps to maintain and promote high standards of conduct.

STANDARDS

7. Officers are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to **Councillors** and fellow employees with impartiality.
8. Officers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any concerns that they have about the provision of services.
9. Officers should report to their manager any improper action or breach of procedure. Please see the Whistle Blowing Policy for assistance on how to raise matters which are of concern.

DISCLOSURE OF INFORMATION

10. It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, Auditors, government departments, service users and the public. The authority itself may decide to be open about other types of information. Employees must be aware of which information Havant is and is not open about, and act accordingly.
11. The Council operates on a presumption of transparency and openness. Council reports will be in the public domain unless there are good reasons for keeping them confidential.
12. The Council must comply with the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR). However, officers must take care not to disclose confidential information and should seek guidance from their manager if in doubt about any item.
13. The General Data Protection Regulation (GDPR) has six key principles:
 - a. Lawfulness, fairness and transparency
 - b. Purpose limitation
 - c. Data minimization
 - d. Accuracy
 - e. Storage limitation
 - f. Integrity and confidentiality (security)
14. All officers receive training in GDPR and further information can be found on the Council's intranet.
15. Officers should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a **Councillor** which is personal to that Councillor and does not belong to the Council should not be disclosed by the officer without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

POLITICAL NEUTRALITY

16. Officers serve the Council as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
17. Employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

18. Officers are, of course, entitled to maintain their own political views but must not allow these views to impact on the work they do. In some cases posts will be **politically restricted**.
19. The Council is required to maintain a list of posts that are subject to restriction on political activity and this list is available from the HR team.

CONDUCT OF STAFF IN PRE-ELECTION PERIOD

20. Prior to any election there will be a “pre-election period” which is notified to all officers of the Council.
21. Officers will be required to follow guidance issued by the Monitoring Officer during the pre –election period.

RELATIONSHIPS

22. No special favour may be shown to friends, partners, and relatives or to current or former employees. Officers must disclose to their manager all personal relationships, whether of a business or private nature, which might have the potential to bring about a conflict of interest between their work and those with whom they have a personal relationship.
23. Examples of personal relationships which may give rise to conflicts of interest in the workplace include:
 - a. a family relationship;
 - b. a business/commercial/financial relationship;
 - c. a close personal friendship;
24. However, personal relationships are not restricted to these examples and if officers are concerned about a potential conflict of interest, they should discuss this with their manager.

COUNCILLORS

25. Officers are responsible to the Council through the **Executive Leadership Team**.. For some officers, their role is to give advice to **Councillors**. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other officers and Councillors and should, wherever reasonable and possible, be avoided.
26. Havant has adopted a Member/Officers relations protocol contained within the Constitution which employees are expected to take into account in their dealings with Councillors.

THE LOCAL COMMUNITIES AND SERVICE USERS

27. Officers should always remember their responsibilities to the communities they serve and ensure courteous, efficient and impartial service delivery to all within those communities, as set out in the policies of the Council.

CONTRACTORS

28. All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager
29. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favours should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
30. Officers who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship in writing to their manager.
31. Officers must fully comply with the Council's **Financial Procedure Rules** and **Contract Procedure Rules**.

APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

32. Officers involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them.
33. Similarly, officers should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc. or with whom they have (or have had) a personal relationship. For the avoidance of doubt, officers should not have managerial responsibility for a relative, partner etc
34. The Council has detailed procedures for managing staff which must be followed in all cases relating to supervision or recruitment. The HR team is available to offer assistance and advice on such matters.

OUTSIDE COMMITMENTS

35. Some officers have conditions of service which require them to obtain written consent to take on any other outside employment. All officers should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests, and/or which has not been the subject of written consent. Please speak with your manager or HR about any other employment activity and before you make any decisions on the matter.

36. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.
37. Employees should follow their authority's rules on the ownership of intellectual property or copyright created during their employment.

PERSONAL INTERESTS

38. Officers are required to declare an interest if they are involved in anything outside of work which could lead to a situation where they might reasonably be influenced to make a decision or to take an action at work which is not in the Council's best interests, or which shows favouritism to a certain person or body.
39. Non-financial interests
 - a. Officers must declare to their manager any non-financial interests that they have, such as directorships of companies, trusteeships, governorships, voluntary roles (e.g. secretary, treasurer, coach) or positions of management or control in other organisations (e.g. clubs, societies, associations, charities), or any family connections with other businesses or organisations that may do business with the Council.
 - b. Such declarations should be made annually on the declaration of interests form which can be found on the Council's intranet, including a "nil" return.
40. Financial interests
 - a. Officers must declare to their manager any financial interests which they have such as directorships, trusteeships, partnerships, or family connections with other businesses or organisations that may do business with the Council and from which they gain income or other material benefit.
 - b. Such declarations should be made annually on the declaration of interests form which can be found on the Council's intranet, including a "nil" return.
41. The declaration of interest form should be completed as soon as possible after an officer becomes aware they have an interest and no later than 28 days after they become aware of it. Failure to disclose such interests may lead to disciplinary action being taken.

EQUALITIES

42. All individuals have a right to be treated with fairness and equity. Officers should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law.

CORRUPTION

43. Officers must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.
44. Corruption would include receiving or giving any payment, gift (other than a gift of a nominal value), hospitality, or any other benefit from any person or organisation who an officer deals with in their work, irrespective of what it is in respect of, including tips, and payment for additional 'private work'. It is also irrelevant whether any benefits are directly to an officer or to the officer's family or friends.
45. Any case of suspected corruption will be fully investigated and any proven cases will be treated as gross misconduct and criminal prosecutions undertaken.

Use of Financial Resources

46. Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority

GIFTS AND HOSPITALITY

47. Officers must be aware that the offering and acceptance of gifts could result in criminal proceedings (under the Bribery Act 2010). It is obviously wrong for an officer to accept inducements for personal gain in exchange for treating a client or contractor favourably. On the other hand, it would be churlish to refuse minor items which are of only nominal value.

Gifts

48. Officers should refuse gifts made to them personally, or to a family member, by a person or organisation which has, or seeks, dealings with the authority. Excepted from this rule are minor promotional gifts distributed to a wide range of people and not uniquely to one officer (e.g. pens, calendars, diaries etc. given usually at Christmas time for use in the office) of up to £10 in value, or gifts given in thanks for good service, such as a box of chocolates, plant or flowers up to the value of £10. Officers should not in any circumstances accept gifts from suppliers if the provision of the gift may reasonably be perceived as an incentive to purchase.
49. All gifts above this value should be refused. Where it is felt that this will cause embarrassment, officers should explain to the donor that they are not able to accept such gifts, and thank the donor for their kindness, nonetheless. If received by post, officers should return the gift to the donor with a polite email making it clear that no individual has gained personal advantage from the gift.
50. If an officer is in any doubt they should seek advice from their manager.

Hospitality

51. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely

social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded.

52. Invitations to lunch or some other function from a person or organisation which has or is seeking dealings with the Council must be treated with care. A modest working lunch to discuss business or attendance at a reception or promotion which is proportionate and not extravagant, and which has been approved by an officer's manager is acceptable.
53. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
54. When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
55. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
56. Examples of offers which must be refused include:
 - a. an overnight stay at a hotel
 - b. holidays or hotel accommodation
 - c. theatre tickets
 - d. membership of clubs
 - e. regular or frequent acceptance of corporate hospitality, particularly from the same source
 - f. hospitality in the immediate period before tenders are invited or during the tender process
 - g. hospitality unconnected to work, even if the hospitality is taken in the Officer's own time
 - h. hospitality which the Officer or their manager thinks is lavish, extravagant or excessive, even if the hospitality is taken in the Officer's own time
57. If Officers are aware that hospitality will be offered at a meeting or event, they should discuss it with their manager beforehand, and if approved, make the necessary declaration prior to attending. Otherwise, all offers of hospitality should be declared as soon as possible after the event.

58. If Officers are in any doubt, they should seek advice and approval from their manager.

Register

59. All offers of gifts and / or hospitality must be recorded on a form which can be found on the Council's intranet. The form requires that the date of any offers of gifts/hospitality must be included, together with the financial value of it, and the name of the donor. Also, the reasons for acceptance of any gift or hospitality must be included on the form. The form must be approved by an officer's manager and in the case of the Chief Executive Officer, by the Monitoring Officer.

Bribery Act 2010

60. The Bribery Act 2010 is intended to combat bribery and corruption in both the public and private sectors. The Council is required to have "adequate procedures" in place to prevent bribery. Officers are at risk of prosecution if they conduct themselves in a way that may be seen as condoning bribery. Officers should be aware that "passive" bribery is a specific offence and includes requesting, agreeing to receive or accepting an advantage.
61. There are serious penalties for offences committed under the Act, including a maximum jail sentence of 10 years for individuals engaged in bribery. Accordingly, officers should refrain from any conduct that may appear to engage the Act. Officers should not, for example, accept any payment, gift or hospitality that is, or could be perceived to be, "facilitative" of an action that an employee would normally carry out, such as granting a licence or approving a planning application.

Sponsorship – Giving and Receiving

62. Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors. Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, officers should ensure that impartial advice is given and that there is no conflict of interest involved.

BREACH OF THIS CODE OF CONDUCT

63. Breach of this Code may amount lead to disciplinary proceedings being brought against the officer concerned.