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Officers' Code of Conduct

1 Introduction

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code of Conduct applies to all employees of Test Valley Borough Council including the Chief Executive, Deputy Chief Executive, as well as direct service organisations, temporary and casual employees, and agency staff.

Employees should behave and conduct themselves with impartiality, honesty, integrity and openness at all times. This Code identifies a range of issues and establishes the standards of conduct expected. Breach of the Code may result in disciplinary action being taken, including dismissal.

This Code is intended to supplement the Council's existing Financial Regulations and Standing Orders.

2 Standards

- 2.1 Local government employees 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 Members and fellow employees with impartiality. Employees must bring to the attention of the appropriate level of management any impropriety, breach of procedure, irregularities relating to income, expenditure, cash, stores or any other resources of the Council. The Deputy Chief Executive/Heads of Service should report such matters to the Monitoring Officer.
- 2.2 The "appropriate manager" will normally be an employee's immediate supervisor or business unit manager. However, in certain circumstances, it may be more appropriate to approach the Head of Service. Depending on the situation, employees may prefer to approach the Chief Executive, the Deputy Chief Executive, the Head of Legal and Democratic Services who is the Council's "Monitoring Officer", the Head of Finance and Revenues, Internal Audit, or the Human Resources Manager, who will ensure that the concern is investigated. Any financial irregularities must be reported to the Head of Finance and Revenues.
- 2.3 The Monitoring Officer is required to report to the Council any acts or omissions by councillors or Officers which constitute or may give rise to a contravention of any enactment, rule of law or statutory code of practice, or maladministration.

3 Disclosure of Information

- 3.1 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. Information which is already available to the general public, such as Committee minutes, information in the budget book, the annual report etc, may be freely disclosed. The disclosure of other information must be referred to a Head of Service, the Deputy Chief or the Chief Executive.

- 3.2 Employees must 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 personal information received by an employee about other employees or Members must be treated as strictly confidential and must not be divulged without the prior approval of the person concerned, except where such disclosure is required or sanctioned by the law.
- 3.3 Disclosure of computer held information must be in accordance with the Data Protection Act 1998 and any other legislation enacted in this area.

4 Political Neutrality

- 4.1 Employees serve the Council as a whole. It follows they must serve all Members and not just those of the controlling group.
- 4.2 Employees may be invited to advise political groups or to address meetings arranged by political parties on local government matters. Before doing so, they must seek permission from the Chief Executive and, if agreed, they must do so in ways which do not compromise their political neutrality.
- 4.3 The Chief Executive and Deputy Chief Executive are permitted at their discretion to decide whether they or members of their staff should accept invitations to attend public or private meetings in connection with their duties.
- 4.4 Employees holding politically restricted posts are disqualified, under The Local Government and Housing Act 1989, from membership of any local authority (other than a parish or community council), from being an MP or MEP, and are subject to prescribed restrictions on their political activity. All employees holding a politically restricted post will have been notified, in writing. Any queries should be raised with the Head of Legal and Democratic Services.
- 4.5 Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5 Relationships

5.1 Members

Close personal familiarity between employees and individual Members can damage working relationships and prove embarrassing to other employees and councillors. Such relationships should be avoided.

5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.

5.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Head of Service and recorded in writing. Orders and contracts must be awarded in accordance with the Council's Standing Orders and Financial Regulations.

- 5.4 Employees who engage, supervise or have any other official relationship with contractors must notify their Head of Service in writing of any relationships of a private or domestic nature which they or their immediate family have, or have had previously, with those contractors.

6 Appointment and Other Employment Matters

- 6.1 Employees involved in appointments should ensure that these are made on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to, or have a close personal relationship outside work with, an applicant.
- 6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend or where such decisions could reasonably be seen as being influenced by their relationship with that employee or his/her immediate family.

7 Outside Commitments

- 7.1 Employees are not permitted to engage in additional employment which could conflict with or react detrimentally to the Council's interests or in any way weaken public confidence in the conduct of the Council's business. The prior written permission of the appropriate Head of Service must, therefore, be obtained before engaging in other employment.
- 7.2 Intellectual property which includes inventions, creative writings and drawings originated by employees in connection with their duties or any activities by the Council, whether during their own time or work time, using their own or Council resources, are the property of the Council.

8 Personal Interests

Employees must declare, in writing, to their supervisor or business unit manager any financial or non-financial interests which could conflict with, or could be viewed by others as conflicting with, the Authority's interests. This would include, for example, membership of organisations the membership of which is not freely available to the general public.

9 Equality Issues

All employees must ensure that the Council's policies relating to equality issues are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

10 Separation of Roles During Tendering

- 10.1 The tendering process must be open and above board. During certain parts of the competition process, particularly the evaluation of tenders, there must be a clear separation of client and contractor roles. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 10.4 Employees contemplating a management buy-out must, as soon as they have formed a definite intent, inform the appropriate Chief Executive and Deputy Chief Executive and withdraw from the contract awarding processes.
- 10.5 Employees must ensure that no special favour is shown to current or former employees or their partners, close relatives or associates, in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 10.6 Employees are required to register with the Head of Legal and Democratic Services any pecuniary interest in a Council contract, whether direct or indirect.

11 Corruption

It is a serious criminal offence to corruptly 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.

12 Use of Financial Resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with the Council's Financial Regulations. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

13 Gifts and Hospitality

- 13.1 In common with all public servants, employees of Test Valley Borough Council must exercise extreme caution about accepting gifts and hospitality. Section 117 of the Local Government Act 1972 forbids officers, by virtue of their employment, from accepting any fee or reward other than their proper remuneration. Gifts and hospitality must not be accepted where the intention is, or may reasonably be interpreted by others to be, to influence an officer in his/her dealings with an organisation or persons.
- 13.2 Officers must at all times be open about offers of gifts and hospitality received. Where the value of an offer is estimated to exceed £10, approval from the Head of Service concerned or the Monitoring Officer in the case the Chief Executive or

Deputy Chief Executive must be sought prior to acceptance and such gifts must be recorded in the Service's Register. Acceptable gifts would tend to be of low value and for business use or of a promotional nature. Hospitality received must not be extravagant, for example a lunch or dinner may be acceptable but a paid holiday would not.

- 13.3 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

14 **Sponsorship - Giving and Receiving**

- 14.1 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.

- 14.2 Where the Council 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 the appropriate manager of any such interest. Similarly, where the Authority, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15 **Planning Matters**

The Member and Officer Interests Protocol places an obligation on employees, namely the Chief Executive, Deputy Chief Executive, Heads of Service, and Officers employed in the Planning and Building Service, Property and Asset Management Service, and the Planning Policy team, together with any other Officer who advises on planning matters, about planning matters currently before the Council. Any relevant employee as defined above who has an interest in any planning matter, whether as an applicant, as a directly interested party, or as a close relative of either, must disclose that interest to the Head of Planning and Building Services immediately. When such an interest is declared in relation to a planning application, that planning application will be dealt with by the appropriate Development Control Committee, and not by the Head of the Planning and Building Service under delegated powers.

16 **Implementation**

- 16.1 Concerns raised under this Code by employees will be treated seriously and sensitively. Where anonymity is requested every effort will be made to meet that request, however, it may not always be possible. If an allegation is found to be frivolous or malicious action may be taken against the individual concerned under the disciplinary procedure.
- 16.2 Employees who contravene this Code or other regulations, procedures, legislation etc may be subject to disciplinary action which could result in dismissal and, in certain cases, to legal action.