



EMPLOYEES' CODE OF CONDUCT

General principles

1. The public is entitled to expect the highest standards of conduct from all employees of Stevenage Borough Council (The Council). The role of such employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

Accountability

2. Employees are accountable, and owe a duty to, the Council. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political neutrality

3. Employees, excluding political assistants, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

Relations with members, the public and other employees

4. Mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees should deal with the public, members and other employees sympathetically, efficiently and without bias.

Equality

5. Employees must comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.

Stewardship

6. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal interests

7. An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired

in the course of their employment to further their private interest or the interests of others.

8. Employees should abide by the Council's rules and follow its guidance about the declaration of gifts offered to or received by them from any person or body seeking to do business with the authority or which would benefit from a relationship with that authority. Employees should not accept benefits from a third party unless authorised to do so by the Council.

Whistleblowing

9. Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the model code of conduct for employees, the employee should report the matter, acting in accordance with the employees' rights under the Public Interest Disclosure Act 1998 and with the authority's confidential reporting procedure or any other procedure designed for this purpose.

Treatment of Information

10. Openness in the dissemination of information and decision making should be the norm in authorities. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant senior officer or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Appointment of staff

11. Employees, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

Compromising the impartiality of officers of the authority

12 An employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Council, either directly or as a response to pressure from others. An employee should not attempt to force other employees to take action or change advice if doing so would prejudice their professional integrity.

Using your position improperly

13. An employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

Considering advice provided to you and giving reasons

14. If an employee seeks advice, or advice is offered to them, on aspects of how the employees' code applies, the employee must have regard to this advice.

Qualifying Employees and Registers of Interests

15. An employee holding a politically restricted post within the meaning of Part 1 of the Local Government and Housing Act 1989 ('a qualifying employee') must register, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the Monitoring Officer. This requirement does not affect the statutory obligations imposed on all employees by Section 117 Local Government Act 1971 set out below.

16. The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

17. These are:

- a qualifying employee's membership or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power)
- Any business a qualifying employee might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100th of the value or share capital of the company
- Any contracts between the authority and a qualifying employee has an interest in, as above
- Any land or property in the authority's area in which a qualifying employee has a beneficial interest

18. A qualifying employee may seek to exempt their personal interests from the register of interests if they consider, for instance that having this information on record might put themselves or others at risk. In such cases, the qualifying employee should discuss the matter with the monitoring officer.

Prejudicial interest

19. A prejudicial interest is considered to be a matter which affects the employee's financial interest or relates to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would

reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgment of the public interest.

20. A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where for instance approval for a licence may affect a body with which the qualifying employee has a personal interest or will affect him or her personally.

21. Employees with a prejudicial interest should notify a director or chief executive of such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

Rewards, Gifts and Hospitality

22. It is a criminal offence under the Local Government Act, 1972, for an officer of a local authority to demand or accept any fee or reward whatsoever other than his/her employment with the Council.

23. Employees should therefore treat with extreme caution any offer or gift, favour or hospitality that is made to them personally as this offer or gift could be construed as being improper. Clearly it would be wrong to create an atmosphere in which staff refused all invitations for social involvement with persons or bodies that may have had, or may seek to have, business dealings with the Council, because contacts established on a social level can be helpful. However, at the same time, it is very easy for such involvement to be misconstrued as providing an opportunity to bring about undue influence.

24. The following advice should be heeded in respect of the offer/receipt of gifts and/or hospitality from organisations or persons who seek to provide goods or services to the Council.

25. The following may be acceptable:

- A modest gift of a promotional character given to a wide range of people and not uniquely to the employee. These gifts are usually given at Christmas time and include calendars, diaries, desk sets, flow charts, tape measures and other articles of use in the office or job;
- Gifts on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm;
- A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council, but merely wishes to express thanks for advice or co-operation received;
- An offer of hospitality if there is a genuine need to impart information or represent the authority in the community, or where the function is part of the life of the community and the authority should be seen to be represented

26. Directors must be consulted before any response is given to the following:

- Gifts which go some way beyond "small" or which are personal in nature, e.g. bottles of wine, even though they may be given to a wide range of people;
- Invitations to business lunches or receptions which are likely to be fairly extravagant if only one employee has been asked. It is not of course always possible to know in advance whether a lunch will turn out to be a "champagne and caviar" event. It would obviously cause offence and be undiplomatic to walk away from such an event, so the matter should be reported to the Director on return;
- Substantial personal gifts which are simply delivered and where return might be difficult, e.g. a turkey received at Christmas. It may be acceptable to the giver for the gift to be subject to a raffle and the proceeds placed in a charitable fund;
- Tickets for events of any kind, i.e. theatre, sports, etc. In general, it is considered that offers of tickets for events will not be acceptable, although there may be limited occasions where acceptance will be appropriate

27. The following must not be accepted under any circumstances. For an employee's own protection the offer of unacceptable gifts or anything which could be interpreted as a bribe must be reported immediately to the departmental Director.

28. Examples are:

- Any offers of cash regardless of the amount.
- Offers of major gifts or services e.g.:

- Holidays
- Hampers
- Hotel or company accommodation
- Offers to provide personal services to any employee, e.g. a building contractor offering to do work on an employee's house at no or reduced cost.

Special Circumstances

29. Quite obviously the above guidelines change completely if certain circumstances prevail, in which case any offers of any gifts or services should be reported immediately to the Director.

30 Examples are:

- Gifts etc. from Contractors seeking a major contract from the Council;
- Gifts from an applicant for planning permission to an employee who could have some influence on the matter;

- Gifts from an organisation with which the Council is in dispute;
- Gifts from organisations which are in dispute with each other and where the Council has some influence over the outcome;
- Any other circumstances where the receipt of any gift/hospitality could, however incorrectly, be interpreted as a bribe

Personal Judgement

31. Clearly no set rules can be comprehensive, but the following points should be considered in conjunction with the above guidelines:

Always err on the side of caution, if in any doubt at all, ask a Director. In cases where it is appropriate to refuse a gift, do it tactfully, explaining if necessary the policy over the receipt of your gifts.

If you believe you have been offered a bribe, tell a Director immediately.

Register of Gifts and Hospitality

32. All gifts offered and/ or received must be registered with the Monitoring Officer.

Criminal Offences

33. Notwithstanding anything in this Code all employees must comply with the requirements of Section 117 Local Government Act 1972 as follows:

- *If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.*
- *For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.*
- *An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration. (see Paragraph 22 above)*

Section 95 (S.97) Local Government Act 1972

*.....a person shall be treated, subject to the following provisions of this section
....., as having indirectly a pecuniary interest in a contract, proposed contract or
other matter:*

(a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration (does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body (where the nominal value of those securities does not exceed £5000 or one hundredth of the total nominal value of the issued share capital whichever is less s.97) or

(b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration (provided that the person shall not be treated as having such a pecuniary interest where that interest is so remote or insignificant that that it cannot reasonably be regarded as likely to influence that person in the consideration or discussion of any question with respect to that contract or other matter (s.97))

(3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed to be also an interest of the other.

(4) In the case of civil partners living together the interest of one civil partner, shall, if shown to the other, be deemed to be also an interest of the other.

An employee who breaches Section 117 commits a criminal offence