

CODE OF CONDUCT FOR EMPLOYEES

Please take time to read this Code and make sure that you understand it. If you are unclear or want to know something specific, talk to your manager or ~~your human resources division~~ Human Resources.

Introduction

You are employed by Brighton & Hove City Council and that means that you are a Local Government Officer. You and the services you provide are paid for by public money and therefore you are accountable to the public for your behaviour, actions and decisions. You must not only behave properly, you should also be seen to behave in a way that is beyond question.

The Council recognises that working in a public service is not easy. Every area is changing and it may be unclear to you what is acceptable and what is not. This Code is intended to explain your responsibilities and your rights as an officer.

As a council officer you are expected to achieve your personal best for our customers and for the city. To ensure that you understand what this means, the council has adopted six values that describe what you should aim to accomplish in the way you carry out your job. These are:

- **Respect:** Embrace diversity with kindness and consideration and recognise the value of everyone
- **Collaboration:** Work together and contribute to the creation of helpful and successful teams and partnerships across the council and beyond
- **Efficiency:** Work in a way that makes the best and most sustainable use of our resources, always looking at alternative ways of getting stuff done and asking, 'How can I improve that?'
- **Openness:** Share and communicate with honesty about our service and self, whenever appropriate. Accept where we have to change in order to improve
- **Creativity:** Have ideas that challenge the 'tried and tested', use evidence of what works, listen to feedback and come up with different solutions
- **Customer Focus:** Adopt our 'Customer Promise' to colleagues, partners, members and customers. We will be easy to reach, be clear and treat you with respect, listen and act to get things done

This Code of Conduct underpins and the council's Behaviour Framework underpin these six organisational values by setting out- in more detail the standards of behaviour expected of you as an officer whilst you are carrying

out your duties. There are other Codes which are important for you to understand and which you should read alongside this one:

The Code of Conduct for Member–Officer Relations

This deals with the relationship between you and Members of the Council (Councillors)

The Code of Conduct for Members

A local code setting out standards of conduct and behaviour for Members of the Council

The Whistleblowing Policy

This sets out a procedure for you to report actions, wrongdoings or serious failures

The Complaints Procedure

A procedure for members of the public to complain about services or actions of the Council

~~**The Anti-fraud and Corruption**~~

~~**-Counter-Fraud Strategy & Framework**~~

~~The Council's commitment to fighting fraud and corruption whether attempted from outside or inside the Council.~~

~~This sets out the council's commitment to creating a zero tolerance to fraud and maintaining high ethical standards in its administration of public funds. The policies and procedures within the framework set out the roles and responsibilities of staff in countering fraud and how they can report concerns.~~

~~**The Acceptable Use of ICT Policy**~~

~~**-Information Governance Policies**~~

~~A policy which sets the parameters for the appropriate work and personal use of Information and Communications Technology.~~

~~A suite of policies, procedures and processes that govern how the council manages its information so that it complies with its legal, regulatory and operational requirements. They set out employees' personal responsibilities, particularly in relation to the use of ICT and the processing and safeguarding of information.~~

The Social Networking Policy for Employees

A policy which governs the use of social media in both the work and personal use contexts.

Scope

This Code of Conduct applies to you if you are an employee of Brighton & Hove City Council, whether employed on a permanent, temporary or casual basis, or if you are an officer holder. All officers must follow this Code. Deliberate breaches of the Code will be treated as a disciplinary offence. In some cases a breach of the Code may result in criminal prosecution. This code contains the following:

Section 1	Basic principles/definitions
Section 2	Political neutrality/activity/restricted posts
Section 3	Council policies and legal requirements
Section 4	Outside commitments/Working Time
	Directive/declaration of interests
Section 5	Membership of closed organisations
Section 6	Tendering/dealing with contractors
Section 7	Using your position in the council
	Close personal relationships at work
Section 8	Personal conduct
Section 9	Equality and diversity
Section 10	Corruption, fraud and dishonesty
Section 9 11	Use of council facilities/resources
Section 10 12	Information Governance & Use of ICT
Section 11 13	Reporting of criminal offences
Section 14	Legacies
Section 15	Inventions/patents/copyright etc./conferences
Section 12 16	Appointing staff/discipline & grievance
Section 13 17	Gifts
Section 14 18	Hospitality
Section 15 19	Sponsorship, giving or receiving
Section 16 20	Information, openness and confidentiality
Section 17 21	Financial resources/regulations
Section 18 22	Role of the Monitoring Officer
Section 19 23	Raising concerns
Section 20 24	Responding to complaints
Section 21 25	Useful information

Basic principles & definitions

1.1 The basic principles on which this Code is built are that:

- you, your family and/or your friends must not gain financial or other benefits from the decisions or actions you take whilst working for the Council
- you must make decisions, which are in the Council's best interests and must award contracts and choose purchases and award contracts on merit and in the best interests of accordance with the Council's policies and procedures

- you will not accept money or other benefits from individuals or organisations that may, or may be seen to, influence your decisions
- you should always declare any interests you have outside work that relate to your work for the Council. You must always think how your actions would look to the residents of Brighton & Hove. Would they be seen to be in the best interests of the public? Would you be able to explain your role?

1.2 If you are at all uncertain, you should be guided by the key principle that even if your actions, decisions or behaviour are proper, you ~~are still sure~~ need to ensure that you are above suspicion and ~~any~~ there is no appearance of improper conduct.

1.3 If you are unsure what is expected, you ~~can~~ should raise the matter with your manager, Executive Director, the Chief Executive, the Head of Human Resources & Organisational Development, the Council's Monitoring Officer or ~~the Head of Internal Audit & Business Risk~~. (A list of contact numbers is given at the back of this Code.)

Definitions

1.4 Throughout this Code there are references to partners, close friends, relatives, and close personal relationships.

1.5 All of these are in the context of you having a loyalty to another person that is in conflict with the job or action in which you are involved for the Council.

1.6 There is no formal definition of 'close personal friend' ~~or~~ and the term "partner" may include whether partner includes ex-partners with whom you are still friends.

~~1.6~~1.7 It is your responsibility to act openly, honestly and without bias. You must assess if whether a relationship may cause you to act, or be seen to act, inappropriately.

~~1.7~~1.8 This Code is not an exclusive exhaustive or definitive list and is not a substitute for employees applying common sense when determining what is and what is not acceptable behaviour.

2. Political neutrality

2.1 As an officer you work for the Council as a whole and not just the majority (or leading) group. Although most staff will have very little direct contact with Councillors, some staff will be asked to give advice to individuals or to Committees. This must always be done in a politically neutral way and you must be prepared to explain your advice to all political groups. You should ~~also~~ bear in mind that you may be

called upon to explain your account for your advice.~~for example to an overview and scrutiny committee.~~

2.2 You should also refrain from making political comments in public or on social media.

2.3 Once a policy has been approved ~~through the~~ whether by a Committee or by Full Council ~~stages as appropriate~~, it is a lawful policy of the whole Council and must be adopted by you, regardless of your beliefs. You must not allow your personal or political opinions to interfere with your work. If you believe that a policy is unlawful, you should contact your Executive Director or the Monitoring Officer.

2.34 If you are asked by a Councillor to provide assistance on a matter that you feel is clearly political, or which does not have a clear link with the work of the Council, you should seek the advice of your Executive Director or the Monitoring Officer.

2.45 If you are asked to attend any meetings of any political group of the Council, you should consult your Executive Director before accepting the invitation.

Political activity

2.56 You are not eligible to stand for office as a Councillor of Brighton & Hove City Council, but you may stand for office ~~of~~ in another Council providing you are not in a politically restricted post (see paragraph below).

Politically restricted posts

2.67 Some officers, normally those in more senior positions, are in posts where political activity is restricted through the Local Government and Housing Act 1989. This Act prevents them from taking part in certain political activities outside their work. If this applies to you, you should have been informed in writing, ~~although and~~ it may be included in your ~~statement of terms and conditions~~ contract of employment. You should, if this is the case, have been informed of the rules for claiming exemption. If you are not sure about your position, you should contact your manager or Human Resources.

2.78 The political activities which are restricted for these officers include:

- standing as a Member of Parliament, Member of the European Parliament or a Councillor in any local authority (other than a Parish Council)
- holding office in a political party at any level, (except in limited roles concerned only with the internal membership of the party)
- canvassing at elections

- speaking in public or publishing any written or artistic work which appears to be intended to influence public support for a political party.

2.82.9 You need to be aware of your position in terms of political activity. If you are not sure whether an activity is subject to 'political activity restrictions', you should seek advice from your Executive Director or Head of Human Resources & Organisational Development, who will consult the Monitoring Officer if necessary.

2.92.10 Violation of the statutory rules is a breach of contract and will render you liable for investigation under the Council's Disciplinary Procedure.

3. Council policies and legal requirements

3.1 As a Council officer, you must ~~know~~ ensure you are familiar with the legal or statutory requirements of your job, ~~and~~ You must work within this framework and generally in such a way as to comply with the Council's policies and procedures at all times.

3.2 All members of the local community, service users and officers have the right to be treated fairly and impartially. As a Council officer you must comply with all Council policies relating to equalities issues and to the other requirements of the law: (see also section 9 of this Code).

4. Outside commitments/ Working Time Directive and declaration of interests

4.1 Your first work commitment is to the Council. If your job is graded at Scale SO1 (or its equivalent) or above, you should not engage in any other business or take up an additional appointment without written permission from your manager. If you are allowed to undertake work outside the Council, you must not use the Council's facilities for that work.

4.2 The Council is required to take all reasonable steps to ensure that workers do not exceed the maximum hours per week. The statutory maximum hours per week [as laid down by the Working Time Directive] is an average of 48 hours over a 17 week period, extended in certain circumstances to a 26 or 52 week period. Whatever your grade or position, the Council has a responsibility to ensure that you do not exceed the statutory maximum hours per week. If you have, at the time of appointment, or subsequently obtain, other employment you should declare this to your immediate manager. Normally, the Council will not seek to prevent you from working more than the statutory maximum but it will want you to confirm, in writing, that this your choice.

4.3 In addition to the statutory maximum, if you are above school leaving age but under 18 years and working a total of 4.5 hours per day or more you are required to have a 30 minute break during that time. This applies whether you work only for the Council or for several different employers. If you are a young person with more than one job which adds up to 4.5 hours per day or more you should also inform your manager.

4.4 If you are 18 years of age or over, you are entitled to ~~have~~ a 20 minute break for every working shift lasting 6 hours or more per day.

Declaration of personal / business interests: conflict of interests

4.5 You must declare to your manager any financial and non-financial interests that you consider could bring you into conflict with the Council's interests. ~~Conflict may occur where the Council has entered into (or is going to enter into) a contract in which you, your partner or a relative has a financial interest. You may have a financial interest if, for example, you could: Some examples are given below but these should not be viewed as the only circumstances in which you must declare a conflict of interest.~~

4.6 Conflicts may occur where the Council has entered into (or is considering entering into) a contract in which you, your partner or a relative has a financial interest. You may have a financial interest if, for example, you may:

- receive money or goods
- have value added to a property
- benefit from an increase in share value.

4.67 If you have shares in a privatised utility, such as British Gas, with which the Council will have dealings, you will not normally need to declare this involvement. It is ultimately a question of degree. You would be expected to declare any large shareholdings you may have in a company coming into contact with the Council.

4.78 A conflict of interest may also arise when you have a direct interest in the outcome of a Council decision. If this is the case, then in order to protect yourself from any appearance of improper conduct you should inform your manager immediately that you are aware of the situation.

4.89 Conflicts of interest may occur in a number of circumstances. You should, for example, declare your involvement with an organisation which is grant aided by the Council. ~~if you have any part in the grant process.~~

4.910 You should also declare any involvement with an organisation or pressure group which may seek to influence the Council's policies.

4.4011 If you are not sure whether you should declare such an interest and wish to discuss the matter in confidence, the Monitoring Officer or Head of Human Resources & Organisational Development can offer advice.

4.4112 Although you can be offered advice about declaring interests, it is ultimately your responsibility: if you are not sure, then it is always best to declare an interest. Declared interests are kept on registers of interests. – It is important to remember that declaring an interest does not imply that you may act improperly, but that it could protect you from claims or the potential appearance of impropriety.

Note 1: ~~The form on which declarations~~

Declarations of interest should be made ~~can be found on on~~ PIER via Employee Self Service. Employees without an online PIER account should use the Council's paper form on the council's intranet.

Note 2: Some groups of staff are required to make a declaration of interests annually even if it is a nil return. You will be notified if this applies to you.

5. Membership of non-open / closed organisations

5.1 You must declare in the registers of interests membership of any organisation not open to the public without formal membership and commitment of allegiance, and that has secrecy about rules or membership or conduct. This includes membership of organisations such as the freemasons. Declaration of such membership is required in order to avoid allegations of conflict between an officer's job and their personal interests and allegiances.

6. Tendering / dealing with contractors

6.1 Orders and contracts must be awarded on merit by fair competition against other tenders and in accordance with the Council's Standing Orders. You must not show favouritism to any contractor. You must also make sure that no special favour is shown to current or recent former employers, officers or their partners, close relatives or associates in awarding contracts.

6.2 If you are involved in the tendering process and deal with contractors, you must be clear about the need for the separation of client and contractor roles. You must also make sure that, if you are privy to confidential information on tenders or costs for either internal or external contractors, you do not disclose such information to any unauthorised party or organisation.

- 6.3 If, as part of your job, you are involved with or supervise contractors, and you have any kind of personal or other relationship with a contractor or potential contractor, the law states that you must disclose this relationship. Any such relationships should be disclosed to your manager and entered in the register of interests.

7. Close Personal Relationships at Work

- ~~7.1 You are entitled to expect fair and reasonable treatment by your colleagues, managers and Councillors. If you feel that you have been unfairly treated, discriminated against or harassed, you have the right to raise a complaint with the council.~~
- ~~7.2 In the same way, you are required to treat your colleagues and staff fairly. Not only is it a criminal offence to harass another person on any grounds, it is also a disciplinary offence in the Council.~~
- ~~7.3 You should not cause any person harassment, alarm or distress by using threatening, abusive or insulting language or disorderly behaviour, or by displaying any writing or signs, drawings, posters etc. which are threatening, abusive or insulting.~~
- ~~7.4 You are also entitled to be treated with respect by clients, service users and members of the public. If you feel that their behaviour is unreasonable in the circumstances, you are entitled to terminate the contact, providing that you do so without further antagonising the situation and that you give notice of your intention. You must always report such actions to your manager and make a record of the incident.~~
- ~~7.5 It is your responsibility to act reasonably and fairly.~~

7.1 This section should be read in conjunction with sections 4 and 16 of this Code.

7.2 A close personal relationship is defined as a:

- close personal friendship (i.e. a relationship going beyond that normally found between work colleagues)
- family relationship
- partner, ex-partner or
- someone with whom you are involved in a romantic/sexual relationship

7.3 The council acknowledges that such relationships can exist, or form, at work. Although in the majority of cases these are unlikely to give rise to any issues, the council recognises that in some cases there is the potential for a conflict of interest to arise. Some of the potential problems that can arise from close personal relationships at work include:

- actual or perceived breaches of confidentiality
- accusations or perceptions of bias, favouritism, prejudice, unprofessionalism or unfairness
- lack of trust and confidence in relation to discussions within a team or with a line manager
- a risk to probity or the divulgence of confidential information
- deterioration in work performance

This is not an exhaustive list.

Employee responsibilities

7.4—As an employee, you have a personal responsibility to declare promptly any personal relationships you have, or form, with others, during the course of your employment so that appropriate action can be taken to minimise the risk of potential conflicts of interest arising. You must declare all close personal relationships regardless of whether or not you see a potential conflict of interest arising as a result of your relationship.

7.5 The declaration should be made to your line manager. ~~or~~ If that individual is the person with whom you have the close personal relationship, you should make the declaration to the manager above them and in any case you are expected to do so promptly.

Manager responsibilities

7.6 Managers are responsible for reviewing all declarations made by their staff and for taking appropriate action to prevent any problems arising as a result of close personal relationships at work.

7.7 In most cases, it will not be necessary to move one of the employees to another work area unless there are specific circumstances which make such a change appropriate.

7.8 Where the individuals concerned are in a line management relationship, an alternative manager should be nominated to line manage the subordinate employee in all aspects of their employment.

7.9 Alternative management arrangements should also be put in place where a new member of staff is recruited who would normally be managed by, or who will manage, a relative or someone with whom they have a close personal relationship.

7.10 Further information and how to register a relationship is available on the council's intranet, The Wave.

8. Personal Conduct

- 8.1 You are expected to behave in a professional, friendly and respectful manner in line with the organisation's Values when dealing with colleagues, councillors, service users, contractors or those working for other organisations with whom the council has dealings.
- 8.2 To help you do this, the council has adopted a Behaviour Framework which sets out the desired behaviours it expects its staff to personally model when carrying out their job. You should familiarise yourself with the framework so that you understand what is expected of you.

9. Equality and diversity

- 9.1 The council is committed to increasing equality, opportunities and fairness inside our organisation, across our services and in the city, and to eliminating discrimination.
- 9.2 As an employee, you have both legal duties and personal responsibilities in relation to equality and you are expected to play an active part in making sure the council delivers the desired equality and diversity outcomes set out in its Equality & Inclusion Policy Statement & Strategy.
- 9.3 You are responsible for acquainting yourself with the Equality & Inclusion Policy Statement & Strategy so that you are aware of the council's legal equality duties, its commitments in relation to equality and diversity and what this means in practice for you in your role.
- 9.4 You must treat all colleagues, councillors, service users and residents fairly and with dignity and respect at all times whilst responding positively and appropriately to meet diverse needs.
- 9.5 Similarly, you are also entitled to be treated fairly and with respect by all those with whom you come into contact in your day-to-day work.
- 9.6 If you feel ~~that~~ you have been unfairly treated, bullied, harassed or discriminated against ~~or harassed, you have the right to~~ by another member of staff, you should refer to the Dignity & Respect at Work Policy and guidance that will explain how you can ~~raise a complaint, with the council.~~
- 9.7 If you experience such behaviour from someone not employed by the council e.g. a service user, resident or member of the public, you should notify your manager immediately so that the incident can be recorded and appropriate action taken.

~~9.8 The council will not tolerate any form of bullying, harassment or discriminatory behaviour carried out by, or against, any member of its staff. Allegations of such behaviour by a member of staff will be investigated under the Disciplinary Procedure and, where substantiated, could lead to instant dismissal. In certain circumstances, it could also lead to criminal proceedings.~~

~~7.2 In the same way, you are required to treat your colleagues and staff fairly. Not only is it a criminal offence to harass another person on any grounds, it is also a disciplinary offence in the Council.~~

~~7.3 You should not cause any person harassment, alarm or distress by using threatening, abusive or insulting language or disorderly behaviour, or by displaying any writing or signs, drawings, posters etc. which are threatening, abusive or insulting.~~

~~7.4 You are also entitled to be treated with respect by clients, service users and members of the public. If you feel that their behaviour is unreasonable in the circumstances, you are entitled to terminate the contact, providing that you do so without further antagonising the situation and that you give notice of your intention. You must always report such actions to your manager and make a record of the incident.~~

~~7.5 It is your responsibility to act reasonably and fairly.~~

8.10 Corruption

~~108.1~~ It is important that you are aware that it is a serious criminal offence for you 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 the course of your work with the Council.

~~10.8.2~~ Under the Bribery Act 2010 it is an offence to request, agree to receive or accept a financial or other advantage intending that a relevant function or activity should be performed improperly as a result.

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11. Use of Council facilities

~~911.1~~ You should only use Council facilities [such as accommodation, transport, stationery, postal service, ~~ict~~**ICT** etc.] provided by the Council for your use in your duties as an officer to carry out those duties and for no other purpose. In exceptional circumstances your manager may give you permission to use Council facilities but you should always obtain this authority prior to use.

~~911.2~~ Telephones, both static and mobile, can be used for short urgent calls, for example in an emergency or to book a doctor's appointment. Telephones should not be used to give or receive personal calls which are not urgent.

- 911.3 The cost of any personal call made on a Council mobile phone must be repaid, regardless of whether it is within the agreed 'free time'. (To avoid mobile phones becoming a personal taxable benefit, you should repay the cost plus 5 %.)

40.12. Information Governance & Use of ICT

- 4012.1 ~~There~~ Information is a ~~separate policy on~~ critical asset which the use of computers, email council must be able to exploit fully in order to function effectively. It is essential therefore that the confidentiality, availability and internet facilities integrity of that information is appropriately protected.
- 12.2 The council has a suite of policies, procedures and processes that govern how it manages its information so that, as an organisation, it can comply with its legal, regulatory and operational requirements.
- 12.3 You have a personal responsibility to ensure that you make an active contribution towards the council meeting these legal obligations including complying with the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) [effective from May 2018] when processing personal data as part of your job.
- 12.4 You must therefore make sure that you familiarise yourself with, understand and comply with the council's Information Governance Policies and any procedures applicable to your specific job role. This includes undertaking relevant mandatory Information Governance training.
- 12.5 Failure to comply with these policies, procedures and processes is likely to lead to disciplinary action including the possibility of dismissal. In certain circumstances failure to comply with the Data Protection Act 1998 may result in you being personally liable for non-compliance.

13. Reporting of Criminal Offences

- 13.1 As an employee of the council, you are expected to conduct yourself at all times (inside and outside of work) in a manner that will maintain public confidence in both your personal integrity and in the good reputation of the council.
- 13.2 In general, what you do outside of work is your personal concern unless your actions would cause a breakdown in the council's employment relationship with you and/or damage the image and reputation of the Council.

13.3 You must inform your manager as soon as possible if you are arrested (even if no action is taken against you) or you are subsequently cautioned or convicted in connection with any offence. This does not include minor driving offences such as fixed-penalty notices for speeding unless:

- driving is a key requirement of your job, for example, you drive a Council vehicle or you drive your own vehicle regularly on Council business
- the conviction results in disqualification from driving

13.4 Disclosing that you have been arrested, cautioned or convicted of a criminal offence does not necessarily mean that disciplinary action will be taken against you. Consideration will be given to the extent to which your conduct:

- affects your suitability to carry out your job
- impacts on work colleagues, customers, contractors/partners with whom the Council works
- the wider impact your conduct has on the Council's valued image and reputation and
- undermines the trust and confidence that the council must have in you as one of its employees.

13.5 Failing to disclose such information, even where no charges are brought against you, may also lead to disciplinary action under the Council's Disciplinary Procedure.

14. Legacies

14.1 On occasions, members of the public or service users may wish to express their appreciation of the services they have received from a particular member of staff by leaving them money/gifts in their will. This is likely to be more common where employees work closely with and / or care for vulnerable people as a part of their duties.

14.2 Such legacies can give rise to complaints from other potential beneficiaries and to accusations that an employee has taken advantage of the situation to gain personal benefit.

14.3 If a client or member of the public suggests to you that they are considering giving or leaving you money or gifts, you must firmly but politely discourage them from doing so. You should refer to explain the difficulty that this policy for the may cause you and that people you meet through your work do not leave you things in their will. You must also report the matter to your manager.

14.4 You must also take great care to ensure that you are never placed in a position where it may appear that you are influencing or advising a member of the public or service user about the content of their will and you must never provide assistance to them in drafting a will or acting as a witness.

14.5 In the event that any gifts or monies are left to you in a will, you must declare the fact to your Head of Service immediately. Under no circumstances must you accept the bequest.

14.6 Failure to comply with these rules governing acceptable use, is likely to lead to disciplinary action including the possibility of dismissal.

15. Inventions / patents / copyright / publication of work / conferences

4115.1 If you have invented or written something at work then as a general rule it belongs to your employer if:

- it has been written/made in the course of your normal duties
- it has been made/written in the course of your duties and might reasonably be expected as part of your duties.

4115.2 You must also make sure that you do not breach the copyright held by others so that if you and thereby expose the Council to the risk of claims. If you wish to copy the work of others you should seek their permission and acknowledge the source. ensure that you comply with copyright law, seeking advice from your manager if you are unsure.

Conferences

4115.3 You may be invited to address conferences or make presentations about your area of work. If you are asked to address a conference or make a presentation you must consult your manager before you accept the request, as there may be some occasions when the Council would not wish to be officially associated with the organising body. You must not personally accept fees for such work, but you may accept expenses and/or the ability to attend the full conference. There may be exceptions whereby your own time and resources are being used and you can be paid for the work. You should nonetheless seek your Executive Director's advice before accepting a fee, and should refer to the "Outside commitments/Working Time Directive and declaration of interests" section of this Code (section 4).

4216. Appointing staff / discipline and grievance

4216.1 If you are involved in making appointments you must make sure these are made on merit against an agreed person specification and in accordance with the Council's recruitment policy and procedures.

~~42~~16.2 It is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, you must not be involved in an appointment if you are related to an applicant, or have a close personal relationship with them. ~~-outside work.~~

~~42.3~~ 16.3 It is also important that there is no suggestion of collusion among panel members. You should not be a member of a panel which includes your partner or someone with whom you have a close personal relationship.

~~42.4~~16.4 You must not canvass on behalf of an applicant.

~~42.5~~ 16.5 Similarly, you must not be involved in decisions relating to discipline capability, grievance procedures, pay adjustments or promotion for any other officer who is a relative, partner or close friend.

4317. Gifts

~~43~~17.1 You must, at all times, avoid any occasion for suspicion and any appearance of improper conduct. Any gift, reward or benefit offered to you as a Council officer should generally be refused. You should report any offers of expensive gifts to your Head of Service, Executive Director or the Monitoring Officer. Gifts offered to you (whether or not you accept them) are to be recorded by you in the register as follows:-

(a) If the gift is of a nominal value of £25 or less, you have discretion as to whether or not to record the gift. Thus, for example, you would not normally record being given gifts mentioned in category (a) in paragraph 13.2 below, but it would probably be appropriate to record gifts in categories (b) and (c) even if worth less than £25.

(b) If the gift is of a nominal value of more than £25 you must record it.

Note 1: If your department or team has special rules about accepting / refusing gifts, you must also comply with those rules.

Note 2: The form on which gifts and hospitality should be registered can be found on the Council's intranet.

~~43~~17.2 Gifts may only be accepted if they are:

(a) small and of modest value or of a promotional or advertising nature, e.g. calendars, diaries, pens and other similar articles (see also below)

(b) small gifts offered during official authorised hospitality, e.g. gifts on the conclusion of any courtesy visit of a type normally given by that organisation

(c) small gifts given by service users or clients. Where appropriate, such gifts should be shared between teams.

| 4317.3 Gifts that are not acceptable must be declined or returned.

| 4317.4 It is very important that any gifts or other promotional material (pens, calendars, diaries) which carry names or logos should not be used or displayed in public areas. This is to avoid unintentional promotion or endorsement of such products or services.

| 4418. Hospitality

| 4418.1 You may receive hospitality from other Councils, organisations or individuals as part of your work. You should avoid being personally entertained by those who want, or are likely to want, something from you or the Council. When hospitality is offered, you need to consider how this may be perceived by others. Hospitality must not be accepted from any parties concerned in a contract during the tendering period.

| 4418.2 When considering offers of hospitality you should consider whether:

- the invitation comes from an organisation likely to benefit from the Council
- the organisation is seeking a contract with the Council, or already has a contract with the Council
- the hospitality is part of a conference, seminar etc. or is more of a social function
- the scale and location of the hospitality is relative to the event
- the event takes place outside normal working hours
- it is being offered on a frequent basis
- it is being offered just to you or to others as well.

| 44.3 18.3 All offers of hospitality, whether or not accepted, are to be recorded in the register of gifts and hospitality as follows:

(a) You do not need to record any hospitality which is an integral part of a conference or seminar and is being offered to all delegates.

(b) Otherwise, if the hospitality is

- (i) of a nominal value of £25 or less, you have a discretion as to whether or not to record the hospitality. It is suggested that you should record it unless it falls within the three acceptable categories mentioned at paragraph 4418.5.1 below;
- (ii) of a nominal value of more than £25 you must record it.

| 4418.4 After consideration, you may wish to decline the hospitality. You may refer to this Code when you decline hospitality, and you should record in the register what was offered and refused by you. If the individual or organisation later comes under investigation, it will be

important to know all the offers that were made, not just those accepted.

Note 1: If your department or team has special rules about accepting / refusing hospitality, you must also comply with those rules.

Note 2: The form on which gifts and hospitality should be registered can be found on the Council's intranet.

| **4418.5** Below are some broad guidelines on what is generally acceptable and unacceptable.

| **4418.5.1 Acceptable**

- modest working refreshments or meals provided that their purpose is to continue the work underway in the meeting
- attendance in an official capacity at functions to which invitations have been sent to other local authorities
- attendance in an official capacity at functions arranged by local public service bodies and other public authorities.

| **4418.5.2 Unacceptable**

- holidays or weekends away
- the use of a company flat or suite
- lunch with a developer who is applying for planning permission
- tickets to theatre, concerts or sporting events which are offered to you to influence your decisions in the Council and which you would not attend in an official capacity.

| **4519. Sponsorship, giving or receiving**

| **4519.1** When an outside organisation wishes to sponsor activity, or is being asked to sponsor a Council activity, the basic conventions covering acceptance of gifts or hospitality apply. You must take particular care when dealing with suppliers or contractors or potential suppliers or contractors.

| **4519.2** Where the Council wishes to sponsor an event or activity, then you, your partner, spouse or relative must not directly benefit from this sponsorship. If you think you may have some benefit from sponsorship, you must advise your manager before the sponsorship is agreed. This could protect you from potential allegations of favouritism or bias. Similarly, where the Council (through sponsorship, grant aid, financial or other means) gives support in the community, you must make sure that you give impartial advice and that there is no conflict of interest involved.

| **4620. Information, openness and confidentiality**

4620.1 Brighton & Hove City Council wants to ensure that it operates openly: this means that information should generally be available to the public. However, you should be aware that certain types of information are confidential and must remain confidential (even after you or the person concerned has left employment with the Council). ~~Such types of information include:~~ This means that you should take care not to circulate (even to colleagues over and above those you need to tell for reasons connected with your work for the Council) personal or confidential information (especially that which is of a sensitive nature). This restriction includes but is not limited to the following:

- personal information, including but not only, that given in confidence and especially that which is sensitive
- information that might compromise the right of commercial confidentiality
- information that if disclosed might prejudice enforcement action
- ~~information that the Authority is not allowed or required by law to disclose (e.g. under data protection legislation)~~
- information relating to the prevention, investigation or prosecution of a crime
- information that is defamatory
- information that appears in the confidential part of committee or council reports – Part 2 papers, often printed on pink paper

This list is not exhaustive.

4620.2 You should never pass on information, confidential or otherwise, for personal or financial benefit.

4620.3 You should ~~be~~ ensure that you are clear about the scope of information to which you have access and the constraints and freedoms applicable to your use of it.

4620.4 If you are in any doubt about whether information is confidential or not you should consult your line manager or the council's Monitoring Officer.

4721. Use of financial resources / financial regulations

4721.1 You must make sure that you use the public funds for which you are responsible in a responsible and lawful manner and in accordance with the Council's Contract Standing Orders, Financial Regulations and ~~Anti-fraud and Corruption Policies.~~ Counter-Fraud Strategy & Framework. If you feel there is evidence of financial impropriety, fraud or corruption you should contact ~~the Head of~~ Internal Audit & Business Risk immediately.

48 22. The role of the Monitoring Officer

4822.1 The Monitoring Officer is responsible for making sure that Councillors and officers act with propriety and within the law. He/she/This person has a statutory responsibility to produce a report to full Council in the event of any possible illegality, maladministration or injustice coming to his / her/their attention. The Monitoring Officer in Brighton & Hove City Council is the Head of Executive Lead – Strategy, Governance and Law.

4923. Raising concerns

4923.1 The Council takes any malpractice seriously and is committed to taking action when such practices are drawn to its attention. Examples of malpractice include bribery, fraud, corruption, gross negligence, actions causing risks to public safety and/or acting where capability is impaired by alcohol or drugs. There may be occasions when such practices are hidden or covered up and need to be drawn to the attention of the Council.

4923.2 To make it easier for you to raise your concerns the Council has a procedure which allows you to raise your concern confidentially and, if necessary, outside your department. This is the Whistleblowing Policy and you can find this on the Council's intranet.

4923.3 If you feel that you cannot raise your concerns within the Council, then you can contact the charity Public Concern at Work (Tel. 020 404 6609), which is a registered charity independent of Brighton & Hove City Council whose services are free and strictly confidential.

2024. Responding to complaints

2024.1 Brighton & Hove City Council is committed to being open with its service users and to treating their complaints fairly. Information about the Council's complaints procedures is included in the Council's series of leaflets "Complaints, compliments, comments and suggestions" which are available at main Council reception points or from the Council's Standards and Complaints Team. This Team can also give you guidance on how to handle complaints.

2125. Useful information

2125.1 Whistleblowing Policy - available from the Head of Human Resources & Organisational Development or from Internal Audit. Equalities & Inclusion Policy Statement & Strategy - available from the Head of Human Resources & Organisational Development Communities, Equality & Third Sector Team AntiCounter-fraud and Corruption Strategy & Framework - available from Internal Audit

Contract Standing Orders - available from [Head of ~~the~~ Procurement Strategy Manager](#)

Code of Conduct for Member–Officer Relations – available from the [Head of ~~Executive Lead – Strategy, Governance and~~ Law](#)

Code of Conduct for Members – available from the [Head of ~~Executive Lead – Strategy, Governance and~~ Law](#)

All these documents are also available on the Wave. Search for **constitution** in the **Library** and click open **Constitution – all documents**

