PART 8.8 CODE OF CONDUCT FOR EMPLOYEES (OFFICERS)

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.

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 these six organisational values by setting out in more detail the standard 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 Strategy
The Council's commitment to fighting fraud and corruption whether attempted from outside or inside the Council.

The Acceptable Use of ICT Policy
A policy which sets the parameters for the appropriate work and personal use of Information and Communications Technology.

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
Section 8	Corruption, fraud and dishonesty
Section 9	Use of council facilities/resources
Section 10	Use of ict
Section 11	Inventions/patents/copyright etc/conferences
Section 12	Appointing staff/discipline & grievance
Section 13	Gifts
Section 14	Hospitality
Section 15	Sponsorship, giving or receiving
Section 16	Information, openness and confidentiality
Section 17	Financial resources/regulations
Section 18	Role of the Monitoring Officer
Section 19	Raising concerns
Section 20	Responding to complaints
Section 21	Useful information

Basic principles & definitions

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

- you, your family 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, choose purchases and award contracts on merit and in the best interests of the Council
- 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 that you are above suspicion and any appearance of improper conduct.

1.3 If you are unsure what is expected, you can raise the matter with your manager, Executive Director, the Chief Executive, the Assistant Director of Human Resources & Organisational Development, the Council's Monitoring Officer or the Head of 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, 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 whether partner includes ex-partners with whom you are still friends.

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

1.8 This Code is not an exclusive or definitive list.

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 to account for your advice, for example to the Overview and Scrutiny Committee.

2.2 Once a policy has been approved through the Committee or 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.

2.3 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 Director or the Monitoring Officer.

2.4 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

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

Politically restricted posts

2.6 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, you should have been informed in writing, although it may be included in your statement of terms and conditions 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.

2.7 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.

2.8 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 Assistant Director of Human Resources & Organisational Development, who will consult the Monitoring Officer if necessary.

2.9 Violation of the statutory rules is a breach of contract and liable for investigation under the Council’s Disciplinary Procedure.

3. Council policies and legal requirements

3.1 As a Council officer, you must know the legal or statutory requirements of your job, and work within this framework 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 the requirements of the law.

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 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:

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

4.6 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.

4.7 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, in order to protect yourself from any appearance of improper conduct you should inform your manager immediately that you are aware of the situation.

4.8 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.

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

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

4.11 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: The form on which declarations of interest should be made can be found on the Council's intranet.

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 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. Using your position in the Council

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.

8. Corruption

8.1 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.

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.

9. Use of Council facilities

9.1 You should only use Council facilities [such as accommodation, transport, stationery, postal service, 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.

9.2 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.

9.3 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 %.)

10. Use of ICT

10.1 There is a separate policy on the use of computers, email and internet facilities and you should refer to this policy for the rules governing acceptable use.

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

11.1 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.

11.2 You must also make sure that you do not breach the copyright held by others so that if you wish to copy the work of others you should seek their permission and acknowledge the source.

Conferences

11.3 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).

12. Appointing staff / discipline and grievance

12.1 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.

12.2 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 personal relationship with them outside work.

12.3 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.

12.4 You must not canvass on behalf of an applicant.

12.5 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.

13. Gifts

13.1 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.

13.2 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.

13.3 Gifts that are not acceptable must be declined or returned.

13.4 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.

14. Hospitality

14.1 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.

14.2 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.

14.3 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 14.5.1 below;

(ii) of a nominal value of more than £25 you must record it.

14.4 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.

14.5 Below are some broad guidelines on what is generally acceptable and unacceptable.

14.5.1 **Acceptable**

- <u>modest</u> 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.

14.5.2 **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.

15. Sponsorship, giving or receiving

15.1 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.

15.2 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.

16. Information, openness and confidentiality

16.1 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). S*uch types of information* include:

- personal information given in confidence
- 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.

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

16.3 You should be clear about the scope of information to which you have access and the constraints and freedoms applicable.

16.4 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.

17. Use of financial resources / financial regulations

17.1 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. If you feel there is evidence of financial impropriety, fraud or corruption you should contact the Head of Audit & Business Risk immediately.

18. The role of the Monitoring Officer

18.1 The Monitoring Officer is responsible for making sure that Councillors and officers act with propriety and within the law. He/she 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 attention. The Monitoring Officer in Brighton & Hove City Council is the Executive Lead for Strategy, Governance & Law.

19. Raising concerns

19.1 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, risks to public safety or 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.

19.2 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.

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

20. Responding to complaints

20.1 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.

21. Useful information

21.1 Whistleblowing Policy - available from Human Resources & Organisational Development or Internal Audit
Equalities & Inclusion Policy - available from Human Resources & Organisational Development
Anti-fraud and Corruption Strategy - available from Internal Audit
Contract Standing Orders - available from Head of Procurement
Code of Conduct for Member–Officer Relations – available from the Executive Lead Strategy, Governance & Law
Code of Conduct for Members – available from the Executive Lead Strategy, Governance & Law

All these documents are also available on the Wave.