

Declaration of Officer Interests Policy (Revised May 2016)

Summary

1. This policy provides information on the responsibility and requirement for all Council staff to declare any personal financial or non-financial interests which may conflict with the interests of the Council. The guidance applies equally where the employee has not been formally asked to declare their interests and/or the conflict of interest is of a temporary nature.

Background

2. In accordance with the Council's Employee Code of Conduct and Constitution, all employees are required to declare any interests that may conflict with the interest of the Council, or adversely affect the performance of their duties. Such disclosure protects employees from accusations of impropriety.

Definition

3. For the purpose of this guidance, employee interests can be categorised as financial or non-financial. Financial interests are those where a payment or financial gain is received from an organisation which has dealings with the Council. Examples include being in employed work, being a director or having a beneficial interest in shares, land or property. Non-financial interests are those where no direct personal financial gain is received, for example being a governor in a school or being related to an officer (graded Senior Officer or above), or a Member.
4. Where it is considered relevant, the declaration of staff conflict of interests should extend to include the interests of the employee's spouse or partner.
5. In addition, where an employee is a member of a secret society this should also be declared. A secret society is defined as any lodge, chapter, society, trust or regular gathering or meeting which is not open to members of the public who are not members, and where:
 - it is a requirement of membership to make a commitment (whether by oath or otherwise) or allegiance;
 - and/or, a commitment (whether by oath or otherwise) of secrecy in regard to rules, membership or conduct.

Examples

6. The following is a list of situations that may result in a conflict of interests for a member of staff:
 - A planning application or appeal in which the address concerned is the employee's residence or a neighbouring address;
 - Ownership of land that is subject to a Council decision;
 - School admissions appeals involving a friend or relative;
 - A contract between the Council and another organisation in which the employee has a personal or financial interest(including council-owned or other related parties to the council). Any pay received from related parties must be declared;
 - Processing of Council Tax payments/refunds where the employee is the landlord of the properties concerned;
 - Benefits applications/appeals in which the claimant is a friend/relative or neighbour;
 - Processing of home or residential care cases where the customer is a friend or relative;
 - An audit of an establishment in which the employee has a personal interest (e.g. Elderly Persons' Home where a relative is a member of staff).
7. It should be noted that this is not an exhaustive list and where doubt exists about whether an interest should be declared or not, then the interest should be declared.

Declaration Procedure

8. Declarations should be made in the Register of Staff Interests using the attached form:
 - As part of the new starter process (HR led);
 - On an ad hoc basis as conflicts arise (Manager/Employee led);;
 - On an annual basis for all officer at Grade 10 and above as part of the 'related parties' statement of accounts process (Finance led);
 - On an annual basis for other officers who work individually or as a team in a service which procures/commissions goods/services on behalf of the council (AD/Service Manager led).

9. Completed declarations should then be sent to the Director's Executive Support Assistant as the designated officer for the Directorate. Each Directorate will maintain a confidential register of such declarations. The Chief Executive's office will receive all related party returns and will arrange for Chief Officer returns to be published on the council's website. This is line with best practice set by the Information Commissioner's Office to aid transparency and in the Public Interest.
10. At this point all declarations received over the previous year will be reviewed by Directors and the Chief Executive.
11. Failure to comply with this procedure will be seen as a breach of the Employee Code of Conduct and may result in disciplinary action being taken.

Confidentiality

12. With the specific exception of Chief Officers, information gathered through this process is for use by the Council only and as such will not be made public, unless there is an overriding legal requirement for disclosure; for example as a statutory disclosure in the annual Statement of Accounts or where a request is made under the Freedom of Information Act and no exemption applies. Information disclosed as a result will be kept anonymous and staff involved will be informed.
13. The Register of Staff Interests will be held securely only to be accessed by the Director and his/her delegated officer. However, during the course of collection, or of reasonable management and assurance procedures, information may be made available to the employee's line manager, audit and HR. All employees are encouraged to discuss conflicts of interest with their line manager and to jointly identify interests that should be declared.