

A

Policy on the Declaration of Personal Interests

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Purpose

This policy supports the expectations and standards of behaviour set out in the Council's Employee Code of Conduct. It is designed to help managers and employees to identify and manage any personal interests or relationships which could be perceived as conflicting with the individual's work or that of the Council. The policy also sets out the procedure that should be followed when an employee is interested in taking on another job, either within or outside of the Council.

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Scope

This policy applies to employees of Leicestershire County Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services;
- Joint Negotiating Committee for Chief Officers of Local Authorities;
- School Teachers' Pay and Conditions (for Centrally Employed Teachers only).

It does not apply to employees based in schools and colleges.

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Equalities

The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital

status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender re-assignment and unrelated criminal conviction.

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Introduction

The Council is responsible for ensuring that its services are delivered to the highest standard and that, when performing their duties, employees act with integrity and professionalism at all times.

Employees must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment for personal gain or to benefit their family or friends.

In order to avoid any accusations of impropriety, all employees are required to identify and disclose any actual or potential personal, financial, business, or other interest or close personal relationship which might reasonably be perceived as a conflict of interest. Where an employee is unsure whether an interest or personal relationship should be declared, they should speak to their manager in the first instance. If the employee is advised not to declare their interest or relationship, a record of the discussion should be kept by both parties. Failure to disclose such an interest or relationship may result in disciplinary action being taken which could lead to dismissal.

Employees are also required to disclose **any** employment that they wish to undertake in addition to their primary post with the Council.

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Definitions

For the purposes of this policy the following definitions will apply:

Other Employment and Interests:

- Additional paid employment with the Council, including casual work;
- Additional paid employment outside of the Council;
- Self-employment;
- Working with or for, or having an interest in, a business, organisation or charity outside of the Council;
- Volunteering or working, whether in a paid or unpaid capacity, for a business, organisation or charity;
- Substantial shareholding in a company;
- Membership of a professional or voluntary body.

Close Personal Relationship:

- Employees or applicants who are married, in a civil partnership, co-habiting or dating. This also applies to previous relationships of this nature (e.g. former spouse) as there could be a degree of bias either for or against an applicant or employee;

- Immediate family members of the applicant or employee (e.g. parent, step-parent, son, daughter, step-child, child of a partner, brother, sister, grandparent, grandchild);
- Extended family members of the applicant or employee (e.g. uncle, aunt, nephew, niece, cousin, in-laws);
- Close friends of the applicant or employee. This means someone well known to the employee who is regarded with liking, affection or loyalty, not merely an acquaintance;
- Any person living at the same address as the applicant or employee.

The above are not exhaustive lists and employees should use their judgement to determine whether other interests, activities or personal relationships could reasonably be perceived as a conflict of interest.

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Other Employment and Interests

The Council does not wish to attempt to preclude any of its employees from undertaking other employment and/or other interests (paid or unpaid). However, it must ensure that any such commitment does not conflict with or have a detrimental impact on the employee's ability to carry out their role effectively or the business of the Council.

Commitments arising from other employment or other interests must not impact on an employee's attendance, work performance or duties in their post with the Council. Therefore, any permission granted will be on the basis that the Council reserves the right to withdraw permission at any time where a negative impact occurs. The right to withdraw permission will be at the discretion of the Council. Managers who are considering withdrawing this permission should seek advice from Strategic Human Resources before advising the employee.

If at any time, the Council feels that the other employment or other interest conflicts with the individual's employment in any way or the business of the Council, permission will be withdrawn and the employee will be given notice to withdraw from these activities. Where an employee fails to comply with such a notice it may lead to their dismissal.

Employees should not use the Council's premises, facilities or other resources in connection with their outside commitments. They should also not undertake outside commitments during their working hours at the Council.

Where an employee fails to obtain consent for undertaking other employment or other interests, this may lead to disciplinary proceedings and could result in dismissal.

Other Employment

New employees to the Council should disclose, when appointed, any existing jobs or roles which they intend to continue and complete the [Registration Form](#) as soon as possible.

Any existing employee who wishes to undertake **any** other employment (either within or outside of the Council) should complete the [Registration Form](#) and forward this to their manager in the first instance.

On the form, the employee will need to provide details relating to the other employer, the nature of the role (including duties and responsibilities) and the times/days that the employee is proposing to work. This information will enable the manager to assess whether the request is likely to be in conflict with or have a detrimental impact on the employee's or the Council's work.

When reviewing a declaration, the following are examples of what the manager will need to consider:

- Who the other employer will be. Are they a competitor organisation, an organisation engaged in the same type of business, a customer of the Council, an organisation that provides goods or services to or receives goods or services from the Council or has any other contractual arrangement with the Council? If so, this could result in an actual or perceived conflict of interest;
- Whether the proposed hours of work are likely to interfere with the employee's performance, attendance and/or timekeeping in their primary post with the Council;
- Whether the hours involved in the other job might have an adverse impact on the employee's ability to work flexibly in their primary post with the Council (where this is a contractual requirement of the post);
- Whether the total hours worked in both jobs are likely to impact on health and safety or contravene any of the provisions of the Working Time Regulations. Managers are advised to refer to the [Working Time Regulations Guidance](#) to ensure that the employee would be receiving the required rest breaks and not exceeding the maximum weekly working hours. If the employee's combined working hours for both posts are likely to exceed 48 hours per week on average, the employee must be asked to sign an [opt-out form](#);
- Whether the other employment may enhance the skills or abilities of the employee to discharge the responsibilities of employment with the Council.

If no conflict of interest exists, the manager will need to determine whether the request is acceptable and advise the employee accordingly. Details should be retained on the employee's personal file.

Where a potential or actual conflict of interest is identified, the manager should forward the [Registration Form](#) to the Head of Service for consideration. There are three potential outcomes which are detailed later in this policy (click [here](#)). Where the declaration relates to a Head of Service or Assistant Director, approval should be sought from the relevant Director. For declarations involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor).

If the approving manager is satisfied that no conflict of interest exists or it can be reconciled, they should complete the relevant section of the form. The details will then need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the completed form should be provided

to the employee and one sent to the Employee Service Centre for inclusion on the individual's personal file.

If the approving manager believes a conflict of interest exists which cannot be reconciled, they should complete the relevant section of the form. The employee should be advised of the reasons why their request cannot be approved and offered the opportunity to appeal the decision. The details will need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the completed form should be provided to the employee and one sent to the Employee Service Centre for inclusion on the individual's personal file.

Interests

New employees to the Council should disclose, when appointed, any other interests that they intend to continue and complete the [Registration Form](#) as soon as possible.

Any existing employee who wishes to undertake any other personal interests, which could reasonably be perceived as a conflict of interest, should complete the [Registration Form](#) and forward this, via their manager, to the Head of Service for consideration. Where the declaration relates to a Head of Service or Assistant Director, approval should be sought from the relevant Director. For declarations involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor). There are three potential outcomes which are detailed later in this policy (click [here](#)).

When reviewing a declaration, the approving manager may wish to consider the following, depending on the interest that has been disclosed:

- What are the duties of the employee's role?
- Is the individual employed in a [politically restricted post](#) (applicable in cases where the declared interest is of a political nature)?
- Does the employee have access to information which could influence commissioning, purchasing or contracting?
- Could the employee's declared interest influence their role or that of other employees (including decision making)?
- How might the employee's declared interest be perceived by others (internally or externally)?
- Could there be perceived preferential treatment?
- Could the declared interest damage the reputation, impartiality or integrity of the Council and/or the employee?
- Can the risk of a potential conflict of interest be mitigated sufficiently? If so, how?
- If the risk of a potential conflict of interest cannot be mitigated what changes or actions would the employee need to make?

If the approving manager is satisfied that no conflict of interest exists or it can be reconciled, they should complete the relevant section of the form. The details will then need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the completed form should be provided to the employee and one sent to the Employee Service Centre for inclusion on the individual's personal file.

Any agreements relating to working arrangements or responsibilities will be reviewed by the employee's manager on an annual basis. It is recommended that this discussion takes place as part of the Personal Development Review process.

If the approving manager believes a conflict of interest exists which cannot be reconciled, the employee should be advised that they must withdraw from their other interest. The employee has the right to appeal this decision. The details will then need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the completed form should be provided to the employee and one sent to the Employee Service Centre for inclusion on the individual's personal file.

Interests of Relatives and Friends

An employee must follow the procedures set out above if an immediate family member works for, or has an interest in, a company or body which has or may enter into a contractual relationship with the Council, may provide goods or services to, or receive them from the Council or is involved in lobbying in respect of Council activity.

Employees may not always be aware of such interests and are not obliged to make enquiries of family members about the interests they hold.

If, in the course of undertaking duties at work, an employee becomes aware that these duties involve a company or body in which an immediate family member, a relative or close friend has an interest, this must then be declared to the appropriate officer in accordance with the procedures above.

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Close Personal Relationships

The Council recognises that there will be situations where an employee will have, or develop, a close personal relationship with another employee. Whilst not all personal relationships raise issues of an actual or perceived conflict of interest, this is not always the case.

In order to avoid any accusations of bias or favouritism, employees are required to disclose any close personal relationship which could reasonably be perceived as a conflict of interest. Examples of when it may be appropriate to declare a relationship include, but are not limited to, situations where:

- An employee will manage or be managed by the other employee;
- The employees work closely together on a day to day basis;
- The employees are within the same team; one in a senior position and one in a junior position.

New Appointments

When applying for a post with the Council, all applicants are required to declare, on their application form, if they have a close personal relationship with a member or employee of the Council. Failure to disclose such a relationship may disqualify the applicant from the selection process or if the omission is discovered post appointment may result in disciplinary action being taken.

To avoid any accusation of bias, an employee must not participate in a selection process where they have a close personal relationship with one of the applicants. Failure to declare this relationship to their manager and withdraw from the process may result in disciplinary action being taken. The employee should also not act as a referee for that person.

There is no general bar on the appointment of an individual to a post where they would manage, or be managed by, someone with whom they have a close personal relationship. However, during the selection process, the implications of the appointment should be discussed and considered. Prior to making any offer of appointment, the interview panel should obtain agreement from the relevant Head of Service. Where the relationship involves a Head of Service or Assistant Director, approval should be sought from the relevant Director. For relationships involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor).

If the approving manager considers that it would not be possible to sufficiently mitigate any conflict of interest resulting from the appointment, advice should be sought from Strategic Human Resources.

Where such an appointment is made, alternative management arrangements should be agreed, as part of the appointment process, to ensure compliance with the Council's Code of Conduct and to address other potential problems. These arrangements should be confirmed in writing to the employee and reviewed on a regular basis. A copy should be retained on the employee's personal file.

In order for details of the relationship to be formally recorded, both employees should complete the [Registration Form](#) ensuring that details of any agreed alternative management arrangements are included. The completed form should be forwarded, via the employee's manager, to the Head of Service (who will have already approved the appointment). Where the declaration relates to a Head of Service or Assistant Director, approval should be sought from the relevant Director. For declarations involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor). The details will then need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the Registration Form should be retained on the employees' personal files.

Relationships which Develop During the Course of Employment

Employees are required to declare any close personal relationship which develops with another Council employee where this could potentially impact on either individual's ability to impartially perform the duties of their role.

If a potential conflict of interest is identified, each employee is required to complete the [Registration Form](#) and forward this, via the employee's manager, to the Head of Service for consideration as soon as possible. There are three potential outcomes which are detailed later in this policy (click [here](#)). Where the declaration relates to a Head of Service or Assistant Director, approval should be sought from the relevant Director. For declarations involving a Director, approval should be sought from the Monitoring Officer (i.e. the County Solicitor).

In cases where a potential conflict of interest cannot be avoided, discussions will take place with all parties to put in place arrangements to mitigate the impact. As with new appointments, where one employee has management responsibility for the other employee, consideration should be given to implementing alternative management arrangements.

In situations where both employees work in the same team, consideration should be given as to other potential issues such as how the situation may affect team dynamics. In some circumstances it may not be possible for both employees to remain in their posts and alternative options will need to be discussed.

Where either or both employees disagree with the proposed working arrangements to mitigate the impact of their relationship, they have the opportunity to appeal.

The details of any declared personal relationships will need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the Registration Form should be retained on the employees' personal files.

Failure to disclose a relationship may result in disciplinary action being taken if it is reasonable to consider that the employees concerned should have recognised that the relationship warranted declaration.

Where a relationship ends during the course of employment this should also be declared using the [Registration Form](#). If it is envisaged that the breakdown of the relationship could have an ongoing negative impact in the workplace, it may be necessary to discuss alternative options (e.g. mediation, redeployment).

Employees who wish to discuss a relationship that exists within their team are able to do so with an independent and/or more senior manager where the relationship involves the manager.

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Potential Outcomes of a Declared Personal Interest

The approving manager is responsible for considering the contents of the [Registration Form](#). They may find it useful to meet with the employee to discuss the details further. The outcome will be one of the following and should be recorded on the form:

- The declared personal interest is acceptable within the employee's role and no further action is required;

- The declared personal interest is acceptable within the employee's role providing the specified changes and/or actions are completed. The details of these changes and/or actions should be included on the form; or
- The declared personal interest is not acceptable within the employee's role. The reasons for this should be included on the form. In these circumstances the employee may be advised to withdraw from that interest or the responsibilities of the employee may be changed.

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Appeal

Where an employee wishes to appeal the outcome of their declaration, this should be submitted to the person who made the original decision within 5 working days of receiving the outcome.

The appeal will be heard by a panel of three officers, chaired by a senior manager and accompanied by two other panel members; another independent manager and a representative from Strategic Human Resources. Panel members will have had no prior involvement in the decision-making process.

A meeting will be arranged to consider the appeal during which the employee will be asked to provide the reasons for their appeal (i.e. why they consider their personal interest or relationship does not constitute a conflict of interest or demonstrate that the conflict of interest can be sufficiently mitigated).

The panel may decide to:

- Uphold the original decision. The letter confirming the outcome of the appeal should include the rationale for this decision; or
- Overturn the original decision. The letter confirming the outcome of the appeal should include the rationale for this decision and if appropriate, include any specific changes or actions that are required to mitigate any risk of an actual or perceived conflict of interest.

Employees have the right to be accompanied at the appeal by a work colleague or Trade Union representative.

The outcome of the appeal will need to be recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests. A copy of the appeal outcome letter should be retained on the employee's personal file.

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Operation and Monitoring of the Register

It is the Departmental Director's responsibility to ensure that an up-to-date Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests is

maintained. The Monitoring Officer will review the register as required and provide an annual report to the Corporate Governance Committee on the operation of the policy.

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