

Code of practice for the declaration of interests

1. General Principles

1.1 All employees have a responsibility to act in a way in which will ensure that public confidence in their honesty and integrity is maintained. Public confidence can be affected by public perceptions of employees' conduct. Therefore it is important that employees not only maintain high standards of conduct at work but also that they avoid the appearance of any improper conduct. Involvement with outside activities may sometimes affect duties and responsibilities at work.

Employees must be able to demonstrate, should any questions arise, that their judgement and actions at work are objective and impartial and are not affected or influenced by personal considerations arising from their commitments and/or activities outside work. It follows that employees should not put themselves in a position where potential conflicts of interest may arise, or be perceived to arise, between their private interests and their responsibilities as RBK employees.

1.2 The Council expects that its employees will make every reasonable effort to avoid putting themselves in a position where a conflict or perceived conflict, of interest may arise. One of the ways employees can safeguard their integrity in this respect is to place on record any outside activities which might potentially give rise or be perceived to give rise to conflicts of interest. Openness about private interests provides the opportunity for employees to consider, in discussion with their managers, whether pursuit of an interest might conflict or be seen to do so, with their responsibilities at work and how any potential conflict might be avoided. Being open about personal commitments and activities enables employees to avoid putting themselves in a position where a conflict might arise between their personal pursuits and their employment with the Council.

By declaring private interests employees will be able to confirm in the event of any challenge, that they have properly advised the Council. Employees' actions can be examined, if the need arises, in the light of their declared interest. Declarations of interest help to protect the reputation of RBK staff for honesty and integrity.

1.3 Accordingly employees are required to declare any interests - relevant private commitments or activities - which might potentially give rise to a conflict, or might be perceived by the public to give rise to a conflict, with their work responsibilities.

1.4 Employees should seek advice from their manager before committing themselves to a course of action. If employees are in any doubt about the potential relevance of an interest, they should seek advice from their manager. Failure to disclose a relevant outside interest is considered a breach of RBK's standards of conduct and may lead to disciplinary action.

1.5 The Council will not seek unreasonably to restrict employees' activities. However the Council considers that employees have an obligation to avoid putting themselves in a position in which they are unable fully to undertake their duties for RBK because a conflict of interest. Employees need to consider whether an interest is compatible with their responsibilities for RBK.

2. Requirements for Declarations of Interests

2.1 Employees must declare any relevant non-financial interests which they consider could give rise to a conflict of interest or could reasonably be seen as giving rise to such a conflict with the Authority's interests. RBK places a high level of trust in staff and does not require comprehensive disclosure of all leisure and personal activities and interests. However any relevant non-financial interests must be disclosed.

2.2 Employees must declare any relevant financial interests, which could conflict, or be seen to conflict with RBK's interests. Such interests include additional employment. All staff must declare any additional employment within or outside the Council. Employees above Grade F, both full and part time, must obtain prior consent before taking up any additional employment or engaging in any other business including company Directorships: this is known as the Whole-Time Service requirement. In the context of additional employment employees should be aware that RBK reserves its legal rights to ownership of intellectual property/copyright insofar as it may be created during employment by RBK.

2.3 Employees must declare membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

3. RBK's Procedure For Declaration of Interests

3.1 The procedure which non-teaching staff and centrally employed teachers should follow to seek to declare private interests and/or apply for consent to take up additional employment is set out in RBK's Procedure for the Declaration of Interests. This procedure sets out the steps employees must follow to meet the requirements of this Code in practice.

The procedure provides for disclosures by employees to be discussed with their line managers and considered by their service Director and, in the case of Directors/Chief Executive, by the Chief Executive/Head of Human Resources. The procedure provides a framework within which questions of potential conflict of interest are addressed. It is emphasised that employees should provide managers with full details of interests at an early stage so that there can be informed discussion of the issues.

3.2 Teachers and lecturers employed in schools and colleges should follow similar principles and put on record any private interests which may be relevant with their Headteacher/Principal or in the case of the Headteacher/Principal, the Chair of Governors.

4. Guidance on Declarations of Interest

The guidance which follows is intended to:

- amplify and illustrate RBK's requirements for the declaration of interests;
- provide clarity about the issues employees and managers need to take into account when considering the pursuit of outside interests
- ensure that employees and managers know what their obligations and responsibilities are and how they are to be met in practice
- set out the main questions Directors will wish to address when considering declarations of interests by employees

- specifies how the guidance relates to the personal position of Directors and the Chief Executive

What is a 'relevant interest'?

4.1 RBK acknowledges that many staff live within or near the Borough and to that extent they have an "interest" in the Council's affairs beyond those of employees generally. However the Procedure is concerned with those activities and interests in employees' personal lives which might be considered by the Council or the public, to impinge upon their responsibilities in their jobs.

An interest will be 'relevant' if it provides scope for a public perception of a conflict with work responsibilities. Relevant interests may be broadly categorised as financial or non-financial.

Financial interests

4.2 RBK's requires employees to declare any relevant financial interests which could conflict with the Council's interests, for example:

- property holdings in the Borough which generate an income
- Directorships and/or share holdings in companies which either deal with RBK or operate in the Borough
- pecuniary interest in Council contracts; personally or in respect of a spouse/partner, or other close relationship
- additional employment within or outside RBK

4.3 Employees should not take up other employment which conflicts with the Council's interests. All staff must declare any additional employment. This requirement applies not only in the context of potential conflicts of interest but is also necessary to enable the Council to fulfil its responsibilities in respect of Health and Safety legislation, in particular the Working Time Regulations.

Employees graded above Grade F should note that they are required not only to declare additional employment, but to seek prior approval before taking up another job or engaging in any other business including Company Directorships.

It is good practice for all staff to seek such prior approval. RBK will not unreasonably seek to prevent staff from taking up other jobs. However, the Council must be satisfied that the employment does not represent a potential conflict of interest.

4.4 Many other circumstances may arise where there may be the potential for a conflict of interests. For example:

- personal relationships between those responsible for authorising and those applying for Council services, such as housing, social services or education awards
- personal relationships between those recruiting to and those applying for employment with RBK,
- relationships in a private or domestic capacity with Council contractors
- relationships in a private or domestic capacity with tenderers for Council contracts
- a senior planning officer purchasing a property in a new development in the Borough

Non-financial interests

4.5 There may be circumstances where an individual's pursuit of non-financial private interests conflicts with his/her responsibilities as a Council employee, or could reasonably be seen as a source of conflict.

4.6 Ordinarily the Council would not expect to have details of what are, essentially, private affairs, but to avoid the possibility of any conflict of interest arising, employees should consider whether any activities in which they are involved could possibly give rise to such a conflict.

4.7 Professional staff are bound by their professional standards and this guidance, therefore, needs to be read in conjunction with well understood rules of conduct.

4.8 It is emphasised that the Council considers that the burden of disclosure rests with the individual employee in these matters. The Procedure does not require comprehensive disclosure of each and every leisure and personal interest and activity. The Council places a high degree of trust in its staff. However, staff must declare any relevant non-financial interests which could give rise to a conflict of interest, or could reasonably be seen by the Council or the public as giving rise to such a conflict. Examples could include:

- Membership of organisations or interest groups in the community. An employee might be asked to provide advice based upon his/her knowledge of Council activities
- Involvement with an organisation which receives grant aid from the Authority

4.9 In the context of non-financial interests, the Council requires staff to declare membership of 'secret societies' i.e. any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules of membership or conduct. This includes membership of Freemasonry.

4.10 In summary, the definition of a 'relevant interest' will depend upon the nature of the interest and the particular responsibilities of the job. While this guidance is intended to be comprehensive the examples given are necessarily illustrative, rather than exhaustive. The primary judgement that employees need to make is whether there is any scope for a public perception of a conflict of interest.

Failure to disclose a relevant outside interest is considered a breach of RBK's standards of conduct and may lead to disciplinary action. Therefore in the event of any doubt about the relevance of any particular activity, financial or otherwise, advice should be sought from the line manager. However in seeking advice employees should bear in mind that they are best placed to know how any conflict might arise between their job and the interest under consideration.

When should an interest be declared?

4.11 The purpose of requiring declarations of interest is:

- to safeguard employees from placing themselves in positions where conflicts of interest may arise

- to help employees to avoid placing themselves and the Council in a position in which they are vulnerable to criticism or complaint
- to prevent employees from putting themselves in a position in which they are unable fully to do their job

It follows that interests should be declared at the earliest opportunity at the point when an employee considers there is the realistic possibility of a potential for conflict arising between his/her work responsibilities and personal activities/commitments.

Employees must declare any interests before committing themselves to a course of action. There must be an early dialogue with the line manager to establish whether or not pursuit of an interest will present a conflict with employment responsibilities. This applies equally to Directors and the Chief Executive as to other employees.

It must be emphasised that it is the Council's expectation that employees are under an obligation to avoid putting themselves in a position in which because of a conflict of interest, they are unable to carry out the full requirements of their job. There may be circumstances in which employees may need ultimately to consider whether pursuit of a particular interest is compatible with their employment by RBK. The issue of when to declare an interest, like that of the definition of a relevant interest, will, necessarily, be a matter of judgment. However it is emphasised that in the event of doubt it is better to speak sooner rather than later.

5. Guidance for directors in considering declarations of interest

The guidance which follows is intended to be illustrative rather than an exhaustive list of questions to be considered. Directors may wish to seek advice from the Head of Human Resources in specific cases.

5.1 Applications to undertake additional employment

There is an obligation on employees above Grade F to seek consent before taking up additional employment. The issues to be considered by Directors in considering requests for employees who wish to pursue outside activities are:

- what is the nature of work to be undertaken?
- would this present a conflict of interest with the employee's official duties?
- when is it proposed to undertake the activity and over what length of time?
- would this in any way affect the employee's ability to discharge his/her responsibilities for RBK?
- are there any implications in respect of the Working Time Regulations?
- does the employee have any personal interest in the company or organisation?

5.2 Financial and Non-Financial Interests

In relation to other financial and non-financial interests, directors will wish to consider the extent to which the declared, private interest represents a conflict of interest with an employee's responsibilities, or could reasonably be seen as a source of conflict by the Council or a member of the public.

In responding to requests for guidance from employees or in considering completed declaration forms, questions which Directors will want to pose include:-

- what level of involvement does the employee have in the organisation or company concerned?
- in considering an employee's membership of particular organisations, the issue should not be confined to considering the membership itself, but rather the use to which an employee may put

his/her involvement with the organisation or the position into which they may be placed as a result of membership

- is the organisation (or property holding) concerned located within the Borough or, does it operate within the Borough?
- to what extent does the employee concerned have scope to influence the decision making process?
- to what extent does the individual's work bring him/her into contact with other employees who are involved in the decision making process
- could employees workload be re-organised so that any potential conflict is removed
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If an employee is excluded from any particular work activity due to a potential conflict of interest, the service director will be responsible for ensuring that relevant staff within and outside the Directorate and Members are notified of the exclusion and the reason for it.

6. Guidance for directors

The Council's requirements and guidance in respect of declarations of interests apply to all staff including directors and the chief executive. However the procedure is necessarily modified for directors to provide for consideration of any declared interests, or proposals to undertake additional appointments, to be the responsibility of the chief executive.

Disclosures by directors will be notified to the party group leaders. In view of the public profile of directors and the nature of their responsibilities, it is emphasised that the need for early discussion of any potential conflicts of interest is particularly important. The head of HR is available to advise the chief executive in respect of his/her personal position.

7. Conclusions

RBK's Procedure for the declaration of Interests, which sets out the process to be followed and form to be completed to declare an interest or seek consent to take up another job, should be followed. You should read the procedure carefully. Any questions about this guidance or the procedure should be raised with managers in the first instance. Further advice and/or copies of this Code of Practice and the Procedure for declarations of interest are available from HR.