



## **Conflict of Interests**

**Policy**

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## **1.0 Policy Statement**

- 1.1 Wirral Council is funded almost entirely from public funds, either through grants from central government, or through council tax, funded from the local tax payer and it is essential that the Authority can demonstrate the highest standards of probity in general, and specifically in relation to its dealings with third parties.
- 1.2 Wirral Council is committed to the highest standards of ethical conduct and integrity in its business activities. This policy sets out the Council's position if situations arise where employees and managers at all levels have a conflict of interest in connection with their employment.
- 1.3 This policy applies to all employees of the Council (non schools).
- 1.4 All employees are required to familiarise themselves and comply with this procedure, including any future updates that may be issued from time to time by the Council.

## **2.0 What is a Conflict of Interest?**

- 2.1 A conflict of interest can arise if your outside activities, private, personal or financial interests influence or interfere with the decisions you make in the course of your work for the Council, or appear to or could be perceived to influence or interfere with the decisions you make in the course of your work for the Council.
- 2.2 Within this context, outside activities, private, personal or financial interests include those that you or a family member or personal contacts may have.
- 2.3 These can include ownership of shares or a financial investment in a company or business, involvement in a company or business, or in a club or organisation, (whether these are open to the public or not) and include both employed and non-employed roles and activities, including unpaid or voluntary positions within such organisations.
- 2.4 Personal contacts' should be taken in it widest sense, and can include someone you play sport with, someone who is a member of the same club as you, or even a close personal relationship with a colleague.
- 2.5 A conflict of interest can also occur where you have access to Council information and use, or could be perceived as using, this information for personal gain or advantage.
- 2.6 A conflict of interest can also occur where you have access to Council information and pass this information without authorisation to a family member, personal contact or an external organisation you are involved with, who then gain or could be perceived to gain an advantage or benefit by receiving this information.

2.7 You should not be involved in any employment matter including appointments or decisions relating to discipline, grievance, promotion or grading, or payment of additional expenses /overtime where you are related to an applicant or employee, or have a close personal relationship outside work with him or her.

### **3.0 Examples of Conflicts of Interest**

3.1 Examples of conflict of interest include (but are not limited to):

- You, a family member, or a personal contact own property, or intend to buy property, the value or purchase price of which may be affected by a decision or recommendation that you are involved in making, in the course of your work for the Council;
- You are making a purchasing decision involving external suppliers/ contractors and you, or a family member, or a personal contact has an interest (financial or otherwise) in one of the potential suppliers/contractors;
- You are involved in voluntary work for a charity, which may benefit financially or otherwise be affected by a decision or recommendation that you are involved in making, in the course of your work for the Council;
- Work/involvement in business outside of the Council, without permission to do so;
- You have access to information at work which may assist or be perceived as assisting you in a private venture;
- You use Council systems / contacts to obtain materials for your own use at a preferential price;
- You are involved in conducting a disciplinary investigation in which a person you have a personal relationship with is involved.

3.2 Line Managers and Employees should seek advice from Human Resources if they are in any doubt about whether they have a conflict of interest.

### **4.0 Secondary Employment**

4.1 Employees at all levels are required to avoid getting into a position of conflict by undertaking outside work. It is considered that a conflict arises when an employee is to be paid by a member of the public or any outside organisation or body for work which is in any way connected with the scope of his/her official duties. Such work should not be accepted.

4.2 An officer graded above Band H (SCP29+) needs authorisation to undertake outside work even if, in your view, the work could not possibly conflict with your duty as an employee of the Council.

4.3 In such circumstances, they should complete the M15 form (see below) and submit it to their Head of Service for authorisation. The Head of Service may

consult with Head of Human Resources as appropriate prior to a decision being made

## **5.0 Requirement to Declare Conflicts of Interests**

- 5.1 It is your responsibility to declare any **actual** or **potential** conflicts of interest. If you are in any doubt about whether an actual or potential conflict of interest exists, you should consult your manager or Human Resources.
- 5.2 This will safeguard you from the possibility of future criticism, and allow your manager to plan the work you are involved in accordingly to avoid actual or potential conflicts of interest arising which could impact negatively on the Council and potentially result in disciplinary action up to and including dismissal being taken against you.
- 5.3 Similarly, if a manager becomes aware of an actual or potential conflict of interest, which an employee appears not to have raised, they should raise the matter with the employee and take appropriate action.
- 5.4 If you consider there **may** be a conflict of interest you should complete the Declaration Form – Conflict of Interest (M15). See Appendix A. The Declaration Form is available here (insert link) or from your line manager. This should be submitted to your Line Manager and then onto Head of Service for consideration.
- 5.5 In the case of Heads of Service/Directors, the form should be submitted to their Strategic Director. Strategic Directors should submit the form to the Chief Executive.
- 5.6 You will be notified in writing within 10 working days of any further proportionate actions you will be required to undertake regarding your conflict of interest.
- 5.7 There may be occasions where the conflict declared presents serious concerns about the employee's continued ability to perform the full range of their duties. In such circumstances, a meeting will be arranged to discuss the issue in detail with the relevant Head of Service and the employee. The employee may be accompanied at this meeting.
- 5.8 This process is also set out in a flowchart. See Appendix B.

## **6.0 Nil Returns**

- 6.1 Nil returns are required from all officers at Head of Service level and above on an annual basis.

## **7.0 Review of Approval**

- 7.1 If there are any material changes which affect your declared conflict of interest in the interim period, this should be reported immediately to your manager. This is the responsibility of the employee.

## **8.0 Consequences of non-declaration**

8.1 If information comes to light regarding your outside activities, private or personal interests, and the Council considers that you should have made a declaration but chose not to do so, or if you did not fully disclose details of any potential conflict of interest, then disciplinary action up to and including dismissal may be taken against you.

## **9.0 Monitoring and Compliance**

9.1 Each Director/Head of Service should maintain a register of conflict of interest declarations received and an annual return will be produced and reported to Cabinet.

9.2 The Head of Human Resources and Organisational Development, in consultation with the Monitoring Officer, will collate departmental returns and produce a report to the Council's cabinet on an annual basis. This report will be in the public domain with individual details redacted as appropriate.

9.3 All completed M15 forms must be sent to Human Resources by the Director/Head of Service signing the Conflict of Interest Form. This will be placed on the employee's personal file (electronic).

## **10.0 Communication of Policy**

10.1 Line Managers should ensure the employees are clear about the requirements of the Conflict of Interest policy. This should be discussed regularly at Key Issue Exchanges, reviews and team meetings.

10.2 Chief Officer's should ensure that the requirements of the policy are periodically discussed at Departmental Management Team Meetings.

10.3 Human Resources will ensure that the requirements of the policy are communicated via the Intranet and organisation newsletters etc.

10.4 The Head of Human Resources and Organisational Development will keep this policy under review.



Appendix A  
M15  
Conflict of Interest  
Declaration Form

Name of Employee: \_\_\_\_\_

Employee No: \_\_\_\_\_

Post No : \_\_\_\_\_ Grade: \_\_\_\_\_

Designation: \_\_\_\_\_

Department: \_\_\_\_\_ Section: \_\_\_\_\_

Conflicts of interest can arise when an employee undertakes outside work for payment or when some other factor exists which could give rise to such a conflict (refer to the Human Resources Handbook on the Intranet).

**Declaration. Please select the appropriate category of conflict from those set out below**

- Other Employment
- Personal Relationship  Other
- Nil Return

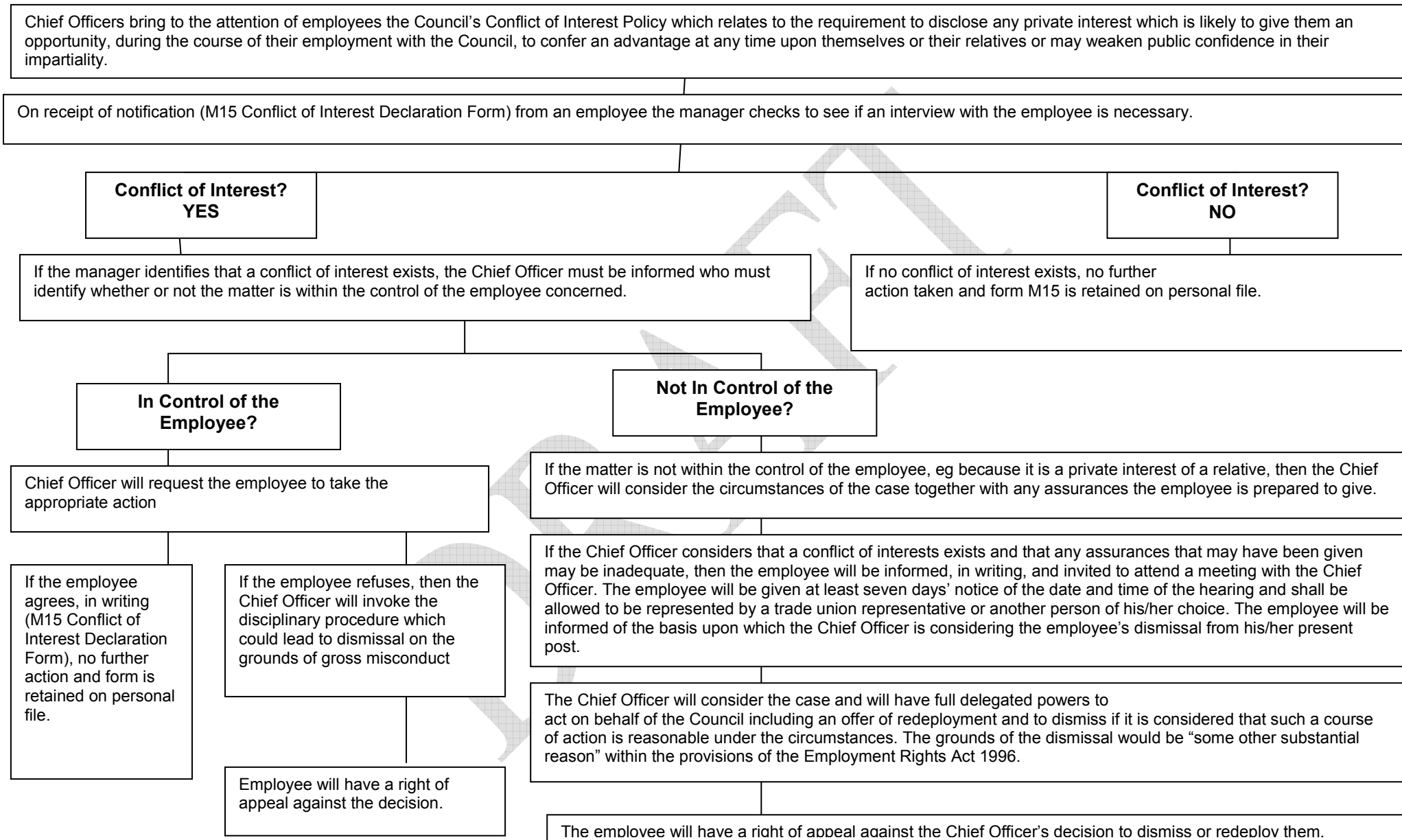
Comments

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employees should provide a copy of this form to their manager and send to Head of Service.

Head of Service/Strategic Director/Chief Executive:	Date:
Comments:	
Date Entered on Departmental Register:	
Date M15 sent to Human Resources	

## Conflict of Interests Procedure



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