

# Declaration & Register of Interests

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The Code of Conduct sets out the principles for the management of conflicts of interest. Inappropriate or ineffective management of interests can have serious implications for both the City of London Corporation and Officers.

## What is a conflict of interest?

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A set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act could be impaired or influenced by another interest they hold and against the best interests of the City Corporation. Such conflicts may be:

- Actual, if there is a material conflict between one or more interests; or
- Potential, if there is the possibility of a material conflict between one or more interests in the future.

## Considering conflicts of interest

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When reviewing Declarations or Registers of Interests a wide range of different types of declaration may arise. Points to consider could include:

- **Outside employment:** How the interest might impact upon service delivery and the Officers duties i.e. whether work can be re-distributed to avoid an interest becoming prejudicial.
- **Health, safety and well-being:** Any concerns relating to fatigue due to excessive working hours i.e. that they cannot perform their substantive post at their full capacity, any health and safety issues or a breach of the Working Time Regulations.
- **Personal capacity:** The duration of the issue disclosed, is there a temporary impact which may in fact be manageable; or a long-term commitment which might be unsustainable.
- **Compatibility:** How the interest sits alongside their work for the City Corporation i.e. whether it will conflict with or be detrimental to the City Corporation's interests, for example, if their official duties overlap in some way with their proposed work.
- **Resource implications:** If there is likely to be an impact on others in the section, within the department or beyond.
- **Reputational risk:** Whether the interest could bring the City Corporation into disrepute, harm or weaken the public's confidence in our services i.e. a direct financial benefit from a commissioning decision or grant awarded to an Officer's own private company / charity.
- **Coercion:** If opportunities are being exploited to further personal or political causes (or those of others) in order to influence decision making to their own ends rather than in the public interests or best interests of the City Corporation.
- **Financial reward:** The recommendations or products or services albeit individually or through a company, they are associated with for financial gain.
- **Relationship boundaries:** Line managers should not be in a position where they manage relatives or someone they are in a close personal relationship with, giving cause for actual or perceived conflicts i.e. the potential for collusion or more favourable supervisory decisions.
- **Supervisor or specialist input:** Any comments from the Line Manager of the Officer making the disclosure, or a subject specialist i.e. Commercial Director in City Procurement or Head of Audit and Risk Management.

## When you receive a Declaration of Interests / Register of Interests (as applicable)

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Before coming to a view about a conflict of interest, discuss with the Officer how the conflict or reputational risk will be managed to clarify the circumstances and issues involved. You may decide to request further information or documentation from the Officer to assist in the review and decision-making process where necessary. With regards to personal relationships you should consult Corporate HR about the options available.

To note, that if an interest is declared but there is no risk of a conflict arising then no action is warranted.

## **Assessing the level of risk posed by the conflict**

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Where a conflict or potential conflict is identified, first consider the level of risk posed to the City Corporation against the following categories:

- **Category 1, Trivial:** Insignificant and does not create a real risk of conflict of interest or duty, or bias or the appearance of bias.
- **Category 2, Perceived risk:** Does not create a real risk of conflict of interest, duty or bias; but might reasonably cause others to think it could influence a decision.
- **Category 3, Real risk:** A real risk of conflict of interest, duty or bias i.e. where harm or serious harm could occur without some form of intervention, some of these may well be not acceptable.

## **How to mitigate the risk of conflicts**

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Whilst each Officer's declarations will be different and context-specific, solutions to mitigate risks should be proportionate to the level of risk, for example:

### **Category 1, Trivial:**

- Making a professional judgement to note the declaration but nevertheless allowing participation in a meeting.
- Deciding that no action is warranted.

### **Category 2: Perceived risk:**

- Putting in place specific work supervision requirements to ensure impartiality.
- Ensuring the Officer doesn't receive the documentation for the agenda item where an interest has been declared.
- Restricting the Officer's involvement in associated discussions or meetings; and excluding them from the decision-making process such as a procurement panel / committee item decision.

### **Category 3, Real risk:**

- Removing the Officer from the activity, noting this may have a detrimental effect on the quality of the decision-making, therefore the situation should be carefully assessed to ensure it is proportionate to the management of the risk.
- Removing the Officer potentially from their role altogether if the conflict is so significant. Advice should be obtained from Corporate HR.

A written audit trail of any information considered, and actions taken should be retained.

## **Confirming the declaration to be acceptable or not**

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Chief Officer's confirming the Declaration or Register of Interests for their staff as acceptable or not, should provide appropriate commentary i.e. to confirm how the conflict will be managed, or a brief explanation as to why the interest is not acceptable. Then sign and date the form. The Declaration of Interest form should then be returned to the Human Resources Business Partner (HRBP) / HR contact along with any relevant information obtained as part of the decision-making process.

For Chief Officers the Declaration and Registers of Interests form is reviewed by the Town Clerk. Noting that the Register of Interest form is considered by the Establishment Committee and in the public domain.

The Director of HR will maintain an overview of all senior management disclosures, monitor completion levels and retain centrally.

## **Links / Other resources**

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For further advice on the application of the Declaration or Register of Interest process, please contact Corporate HR; and where appropriate Legal, Audit or Procurement according to the nature of the guidance sought.

- [Code of Conduct](#)