

# Declaration and Register of Interests

## FAQ's

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The following Frequently Asked Questions on the Declaration of Interests and Register of Interests process accompany the Conflicts of Interest Policy and cover some common queries. If you require advice on whether something should be declared, then please speak to your line manager in the first instance. Alternatively, you can contact your Human Resources Business Partner (HRBP) / HR contact.

To note that the receipt or offer of a gift or hospitality, apart from some low value exceptions as stated in the Conflicts of Interest Policy, may give rise to a conflict of interest. These must be declared using the Gifts and Hospitality Declaration Form located under Tools and Apps on the Intranet.

## Declaration of Interest process

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### **What if I am not sure whether I need to complete a Declaration of Interest Form?**

Speak to your line manager. Caution is always advisable, all interests should be declared at the earliest opportunity where there is a risk of perceived or potential conflicts, or what is apparent as an actual conflict. Volunteering such information may avoid the risk of future challenges or misunderstandings.

### **What should I do if there's a change to a submitted Declaration of Interest Form?**

Notify your line manager in writing at the earliest opportunity.

### **Should I complete a Declaration of Interest Form if I have nothing to declare?**

Please refer to the Conflicts of Interest Policy section 'When to complete and who should complete a Declaration of Interest Form' for details of who is required to complete a form annually; noting that if you meet the requirements to make an annual declaration but have nothing to declare you should submit a 'nil' return.

### **When don't I need to complete a Declaration of Interest Form?**

You do not require permission to undertake the exempt activities listed below, either as a one off or as part of the annual Declaration of Interest process:

- Acting as a referee in a personal capacity.
- Membership of a residents' association, unless a representative in an official capacity such as a board member or on a management committee.
- When nominated to be a representative of the City Corporation, for example on an external Committee.

- Professional body membership\* i.e. i.e. ACCA, CIPD, Law Society, RICS; unless a representative in an official capacity such as a privy council member, board member or on a management committee due to being nominated by the City Corporation.
- Member of a charity or carrying out unpaid community work\*, unless you are a board member, trustee or in a decision-making position including financial management.
- Membership of a Livery company, Livery Company City Company without Livery, Guild or Company seeking Livery Membership\*.

*\* However Chief Officers and Senior Managers at Grades I and J must always make these disclosures, irrespective of their relationship to the third-party organisation.*

### **Will I be reminded of the need to declare interests?**

Yes, there will be an annual communication from your Chief Officer. However, it is your responsibility to declare any interests in advance where you know of them; and as new interests arise or existing one's cease these should be declared at the earliest opportunity.

### **When my Declaration of Interest Form is being reviewed, what does this mean?**

The relevant Chief Officer will review the interest disclosed, whilst it is impossible to give a complete list of factors, they will consider due the range of potential conflicts. Points they could consider include:

- How the interest might impact upon service delivery and the employee's duties i.e. whether work can be re-distributed to avoid an interest becoming prejudicial.
- Any concerns relating to fatigue due to excessive working hours i.e. regarding health and safety at work, or a breach of the Working Time Regulations.

Please note that further information or documentation may be required from you to assist in the review and decision-making process.

### **What happens if my declared interest is in conflict / potential conflict with my role?**

If your Chief Officer considers a risk does exist, in the majority of cases a solution will be reached to mitigate the risk, for example:

- Making a professional judgement to note the declaration, but nevertheless allowing participation in a meeting.
- Putting in place specific work supervision requirements to ensure impartiality.
- Ensuring you do not receive the documentation for the agenda item where an interest has been declared.
- Restricting your involvement in associated discussions or meetings; and excluding you from the decision-making process such as a procurement panel / committee item decision.
- Removing you from an activity altogether.

To note, that if the Chief Officer reviewing the declaration cannot reach a decision following a discussion with the employee, they will seek appropriate advice i.e. HR, legal, audit and / or procurement according to the nature of the guidance sought.

Where there is a significant risk with an actual conflict this could require you to remove the external conflict e.g. resign from an external board. In extreme cases an Officer may be removed from the Corporation following the appropriate procedure/process.

Where a Chief Officer in conjunction with the Commercial Director for City Procurement feels that any relationship to be significantly detrimental with regards to the procurement process, they will determine any appropriate safeguards, including removing the employee in the engagement or supervision of a contractor. Any such substantive concerns will be notified the Town Clerk who will advise if the matter should be referred for information or a decision to the Establishment Committee.

### **What happens if I fail to disclose an interest?**

You are required to provide complete and accurate information on interests to be declared. If you realise you have inadvertently missed an interest out, you must bring this to the attention of your line manager at the earliest opportunity to mitigate any potential conflict arising. Ultimately a deliberate intention to omit i.e. hide relevant information for inclusion in the declaration of interest may constitute misconduct and result in disciplinary action being taken against you by the City Corporation.

### **Who has access to the Declaration and/or Register of Interest Form?**

For employees and Senior Managers at Grade I and J, the Declaration of Interest forms and associated documentation will be held confidentially within Corporate HR as part of the employee's personnel record. However, whilst their Register of Interest Form will be held on the Chief Officer's personnel file, this information additionally becomes part of an open public record as reported in Establishment Committee papers annually.

### **How long will records of my declarations of interest be kept?**

These will be retained for the same duration as the employee's personnel file, which is current financial year plus 6 financial years; unless the employee is in a role working with children / vulnerable adults then 35 years applies, or there is a requirement to retain due to litigation.

### **If I think there's been a breach of the conflicts of interest rules, what should I do?**

There are a number of ways in which a concern can be raised. Employees are urged to consider the nature of the concern, whether it involves their immediate management, the seriousness and sensitivity of the issues involved.

Where employees are reasonably concerned about a matter, they are encouraged to raise this in the first instance with their line manager whenever possible. All managers have a responsibility to act on concerns raised. Alternatively, staff can use the City Corporation's Whistleblowing Policy to raise an issue outside of the management chain. See 'Raising Concerns and Whistleblowing'.

Additionally, employees may wish to make use of the free and confidential employee assistance programme. The helpline is confidential and can provide support on a wide range of work issues.

# Register of Interests: Chief Officers

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## **Why do I need to complete a separate Register of Interest Form?**

Chief Officers are entrusted with high level decision-making powers in relation to higher risk activities e.g. management of large-scale budgets and investment decisions, placement of contracts and responsibility for procurement; as it is regarded that a greater degree of protection needs to be put in place to protect the City Corporation's interests and reputation.

Chief Officers are therefore required to complete a Register of Interest Form (in addition to completing the Declaration of Interest Form), to declare the nature of involvement and the approximate time spent on: outside paid work, voluntary work and interests affecting their working life. This information is then reported to the Establishment Committee and becomes part of the public record, in open committee papers.

## **Who reviews the Register of Interest declarations?**

The Register of Interest process is co-ordinated by the office of the Director of HR, and the form is reviewed by the Town Clerk who makes an assessment of the potential risk and impact of any declaration. This information becomes part of the employee's personnel record.

The Director of HR submits a report on the Register of Interest declarations by Chief Officers to the Establishment Committee who then review the approximate time spent on outside voluntary and / or paid work, or interests for potential conflicts. This information becomes part of the public record, as named individual records are available in open committee papers.

## **What if my Register of Interest declaration may put me at personal risk?**

Chief Officers can seek to exempt their personal interests from the Register of Interests being in the public domain, if they consider that having this information on record might put them or others at risk. If this is the case, they should discuss the matter in the first instance with their line manager.

## Links / Other resources

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Policies:

- Code of Conduct
- Conflicts of Interest Policy
- Data Subjects' Rights Policy
- Whistleblowing Policy

Forms:

- Declaration of Interest Form (Officers)
- Register of Interest Form (Chief Officers)
- Contract and Tendering Declaration Form (Officers)