



# OFFICERS' PERSONAL INTERESTS & SECONDARY EMPLOYMENT POLICY

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## INTRODUCTION

1. The public is entitled to expect the highest standards of conduct from all Council staff. In performing their duties, staff must act with integrity, honesty, impartiality and objectivity, as set out in the Nolan principles of public life.
2. The Council is committed to undertaking its work in a fair and professional way. Whilst the Council does not wish to interfere unnecessarily with its staff's private lives or activities outside of their contracted hours, it is essential that staff do not allow any private or personal interests, including interests arising from any other employment or business outside of the Council, to conflict with their duties to the Council.

### Aim of this Policy

3. The aim of this Policy is to provide rules and guidance that will help to protect the Council and its staff from criticism, misunderstanding and any allegations of impropriety.
4. The Policy aims to ensure that all conflicts of interest are managed transparently, and that an officer's secondary employment does not undermine the performance of their Council duties in any way.

### Scope - Who is covered by this Policy?

5. This Policy applies to all Council staff (including interim staff and school based employees other than teachers), irrespective of their employment status or grade.
6. Agency workers must comply with the requirements for disclosing conflicts of interests (paragraphs 16 to 24 of this Policy), but do not need to disclose any other work, unless that work also presents a conflict of interest.
7. The Policy is also commended to School Governing Bodies.

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## RULES and REQUIREMENTS

### Key Requirements

8. All Council staff are required under this Policy to disclose:
- i) any personal interest which conflicts, or may conflict, with their duties to the Council;
  - ii) any secondary employment; and
  - iii) any financial interest in a contract with the Council.

Guidance on these requirements is set out below.

### The Law

9. All Council employees are required to comply with the statutory Code of Conduct for Local Government Employees, which is embedded within the Council's Constitution and published on the Council's website (except teachers, who have their own Code of Conduct).
10. Under paragraph 8 of the Employees Code of Conduct, employees are under a duty not to allow private interests to conflict with their public duties and to comply with the Council rules on declarations and registration of interests.
11. The Code of Conduct is incorporated by law into the employment contracts of all Council employees, and failure to comply with the Code may result in disciplinary action.
12. Employees' contracts of employment also impose legal obligations in respect of any other employment (see paragraph 26 (i) and paragraph 27 below.
13. Council officers have a statutory duty (under the Local Government Act 1972, section 117) to give written notice of

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any financial interest they may have in a Council contract (any contract which has been, or is to be, entered into by the Council). Failure to do so is a criminal offence.

14. The Council has a duty of care under the Working Time Regulations to monitor the number of hours worked by its staff.
15. Senior Officers (Chief Officers and above) are subject to additional disclosure obligations in respect of their outside business interests, to meet the legal requirements of the Council's annual Statement of Accounts (see paragraph 28 below).

### Conflicts of Interest

16. You must not:
  - i) allow your private interests or beliefs to conflict with your professional duty; or
  - ii) misuse your position within the Council or information acquired in the course of your job to advance your personal interests or the interests of others.
17. In order to protect the reputation of the Council and its employees, you are required to formally disclose all potential conflicts of interest (as well as actual conflicts) – this means you must disclose any interest which may, or may be seen to, conflict with your Council duties, using **Form 1** (or for Senior Officers, Form 2). If you are unsure about a possible conflict of interest, you should seek advice from your line manager.
18. Private and personal interests include those of your close family and friends (that is, anyone with whom you have a close personal association), as well as those arising through business and financial interests and membership of clubs, societies or other organisations.
19. It is impossible to list every situation in which a conflict of interest may arise, as this will depend on the particular circumstances of each case, but guidance is given below.

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20. You must formally disclose any links you may have (including, but not limited to, as a director, company secretary, trustee, partner, shareholder, owner, contractor or employee) with an outside organisation which may:
- i) receive (or be applying for) grants or other benefits from the Council, IF you are involved in the grant allocation process
  - ii) work for the Council, or supply goods and services to it (or tendering for such work or preparing to do so)
  - iii) campaign, lobby or seek to influence the Council's policies
21. You must formally disclose:
- i) any regulatory applications made to the Council by yourself or any person or body with which you are associated, IF you have any connection or personal relationship with a member of staff within the relevant section dealing with the application
  - ii) any personal interest you may have in a matter being dealt with at the Council by yourself or a member of staff with whom you have any connection or personal relationship.
22. You must ensure that if you enter into a personal relationship with an Officer or a Councillor, who is able to apply influence to your benefit, you declare this to your line manager, to avoid accusations of favouritism and bias.
23. You must avoid:
- i) Involvement in any appointment decision or other decision relating to discipline, promotion, pay and conditions for any other employee (or prospective employee) to whom you are related or with whom you have a close personal relationship outside work. This includes appointments to, and employees of, Cardiff

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Works. If you have any such relationship, you must disclose it to your manager and HR.

- ii) Acting as a professional representative on behalf of a friend, partner or relative in their dealings with the Council, except in relation to disciplinary or grievance proceedings so long as this does not conflict with your normal duties to the Council.

24. It is a fundamental principle that no related people should be employed in Council jobs where one is involved in the ordering of goods and services and the other passes the invoices for payment.

### **Private or Other Work, Business or Employment**

25. You must not engage in any other work if there is a conflict of interest with the Council. Before you take up any other work, whether it is paid or unpaid, for yourself, other organisations or other parts of the Council, there are some rules which you must follow to ensure that this does not conflict with the interests of the Council or affect your ability and credibility to do your job.

26. You must:

- i) Formally disclose any other employment (whether inside or outside the Council) – this is a requirement of your contract of employment with the Council. You should note that the Council reserves the right to advise you that you may not carry out any additional employment, IF this may create a conflict of interest or health and safety / duty of care implications.
- ii) Ensure that any other work is done in your own time and not:
  - a) During Council time (or the contracted hours for that job)
  - b) Use Council property (including information which belongs to the Council), premises or equipment (other than for the job for which it has been supplied)

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- c) When you are on sick leave (unless your manager has given written consent or you can demonstrate to the Council's satisfaction that this is reasonable)
  - d) When it may adversely affect performance of your Council duties (or your main job within the Council)
  - e) When it may be seen to be against the interests of the Council or reduce public confidence in the Council
- iii) Ensure there is no conflict of interest (please see paragraphs 16 to 24 above).
  - iv) Get formal written permission from your manager before you take up any (paid or unpaid) private work for any person or organisation that supplies, or is tendering to supply, goods or services to or from the Council or its contractors and suppliers.
  - v) Declare in writing to your manager any fees paid to you from outside bodies for any work you do in the course of your job and on behalf of the Council (for example, fees for a lecture). You should be entitled to retain any fees paid for work done during your own time.
27. Senior officers (Chief Officers, Assistant Directors and above), must obtain consent from the Council before engaging in any other business or taking up any other appointment – This requirement is imposed in their contracts of employment.
28. Senior officers (Chief Officers, Assistant Directors and above) must also disclose any companies or other bodies in which they, or a close member of their family, have control or ownership – This is an audit requirement for the Council's annual Statement of Accounts (and further advice on these audit requirements is available from the Technical Accountancy Team in Financial Services).

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## ROLES and RESPONSIBILITIES

29. It is important that everyone clearly understands their roles and responsibilities within this process.

### Staff Responsibilities

30. All staff must:
- i) Consider whether their private and personal interests conflict, or have the potential to conflict, with their official duties; and avoid such conflicts wherever possible
  - ii) Formally disclose all actual or potential conflicts of interest
  - iii) Formally disclose all secondary employment
  - iv) Disclose any relevant changes as and when they occur.

### Management Responsibilities

31. Managers must:
- i) Comply with the policy in respect of your own conflicts and potential conflicts of interest and any secondary employment.
  - ii) Facilitate compliance by your staff by being aware of the risks inherent in the type of work they do and monitoring the work of staff and the risks to which they are exposed.
  - iii) Forward any Form 1 completed by staff to your Operational Manager
  - iv) Report breaches of this Policy to your Operational Manager or next level of management (if appropriate), HR People Services and external agencies where appropriate.

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32. Operational Managers and above – You must:
- a) Consider, determine and manage conflicts of interest and secondary employment of your staff
  - b) Ensure that records of disclosures under this Policy are kept, regularly reviewed and kept up to date.

### **Monitoring Officer Responsibilities**

33. The Monitoring Officer will:
- i) Establish a system for managing conflicts of interest in the form of a clear policy for all staff to follow
  - ii) Review the Policy, in consultation with the Standards and Ethics Committee, and have authority to make any minor amendments, to ensure that it is effective
  - iii) Advise on any specific queries regarding the implementation of the Policy, as necessary
  - iv) Maintain a register of personal interests disclosed by Senior Officers.

### **HR People Services Responsibilities**

34. HR People Services will advise on any employment or staffing issues arising from the operation of this Policy, for example, disciplinary action in the event of a breach.

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## PROCEDURE

### What do I need to do?

35. You must complete Form 1\* to disclose:
- (i) Any actual or potential conflict of interest – please note, you only need to disclose a personal interest if it conflicts, or may conflict, with your duties to the Council;
  - (ii) any secondary employment – all secondary employment must be disclosed, inside or outside of the Council; and
  - (iii) any changes in the above information, which must be notified within 28 days of the change.

You do not need to complete Form 1 in any other case.

[\*Senior Officers, that is, Assistant Directors and above, must complete Form 2.]

36. The Operational Manager (or next level of management, where appropriate), in consultation with the staff member, will determine whether:
- i) a personal interest exists; and
  - ii) the personal interest (if one exists) is such that there is a conflict with the staff member's duties,

And will notify the staff member of their decision within 10 working days from receipt of the Form (“the Decision Notification”).

37. If it is determined that a conflict does exist, the Operational Manager (or next level of management, where appropriate) will need to assess whether there can be an adjustment of duties, or any other action should be taken, to avoid the conflict.
38. If it is not possible for management to readjust work duties or take other precautions to avoid the conflict, the staff member

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will be notified within 10 working days from the Decision Notification (“the Conflict Notification”) and given the opportunity to appeal against this decision – see paragraphs 40 to 46, ‘Appeal Rights’ below.

39. Where a staff member declines to cease the activity pending the appeal, the Manager shall consider whether it is possible to agree a temporary reallocation of tasks to remove the conflict, failing which, the Manager may instigate a disciplinary investigation in accordance with the Council’s Disciplinary Policy, and will consider whether the staff member should be suspended from duty.

## APPEALS

40. Where the Operational Manager (or next level of management, where appropriate) has confirmed that there is a conflict, the staff member shall have a right of appeal.
41. The staff member must indicate the grounds for their appeal e.g. that there is no personal interest or there is no conflict, and explain the reasons for their view.
42. The appeal must be submitted within 10 working days from the Conflict Notification (see paragraph 38 above).
43. The appeal will be considered by the next level of management within the Directorate, or by another Director, as appropriate.
44. The staff member will be contacted with the outcome of the appeal within 10 working days from submission.
45. If the appeal is not upheld and the conflict is still considered to exist, then the staff member will have the option of immediate cessation of the activity or resignation from their post within the Council.
46. If the staff member chooses to remain employed by the Council and it is found that the activity has not ceased then a Disciplinary Investigation will be instigated in accordance with the Council’s Disciplinary procedure.

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## OTHER GENERAL PROVISIONS

### Data Protection

47. Information held in relation to this Policy will be managed in accordance with data protection law.

## RELATED DOCUMENTS

Form 1 Declaration of Personal Interests and Secondary Employment  
Form 2 Senior Officers' Personal Interests Declaration Form

Employee Code of Conduct

Code of Guidance Working Time Regulations

Disciplinary Policy

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