

Declarations of Interest

Guidance

Human Resources
June 2024

COUNCIL CODE OF CONDUCT FOR EMPLOYEES

GUIDANCE ON DECLARATIONS OF INTEREST

1. OVERVIEW

- 1.1 The council's [Code of Conduct](#) for Employees contains guidance for employees who may find themselves in a situation that could give rise to a conflict of interest and the action they should take in those circumstances.
- 1.2 This guidance note should be read in conjunction with the Code and aims to provide employees with assistance in identifying conflicts of interest in the specific areas noted below:
 - Employees Private Interest in the Work of the Council (Register 2)
 - Employees Paid Employment Outside the Council (Register 3)

2. GENERAL GUIDANCE

- 2.1 It should be noted that a conflict of interest may be perceived, potential or actual and that all such scenarios fall within the scope of the Code of Conduct for Employees.
- 2.2 A perceived conflict of interest may arise in a situation where a reasonable person might consider an activity to compromise the integrity/objectivity of a council employee or their ability to carry out their duties.
- 2.3 A potential conflict of interest is a situation which could develop into an actual or perceived conflict of interest.
- 2.4 Your line manager will review the content of any declaration forms submitted in order to determine whether a conflict of interest exists and what, if any, necessary action needs to be taken. All declaration forms must be signed by your line manager.

3. EMPLOYEES PRIVATE INTEREST IN THE WORK OF THE COUNCIL

- 3.1 With regard to Register 2, the Code of Conduct states that:

'You must not use your position to further your own interests or the interests of others who do not have a right to benefit under the council's policies.'

'You should not involve yourself in any decision on allocation of council service or resources from which you or a person known to you might benefit. Persons known to you will include, but are not limited to, family members, friends, neighbours, colleagues or if you are a landlord, any tenants living in your West Lothian properties.'

'Any private interest you have relating to the work of the council must be declared to your line manager. The interest may be a financial one for you; one that a member of the public might reasonably think could

influence your judgement; or a financial interest that a person known to you may have in the work of the council.'

3.2 There are various situations that can give rise to conflicts of interest and as such it is not possible to define all circumstances. However, a conflict of interest would exist in a situation where the private interest of an employee has the potential to influence the manner in which an employee carries out their duties as illustrated by the following examples:

- an employee using their council position to influence a contract or other favourable terms for a company or business in which they, or a person known to them has a financial interest;
- an employee using their council position to influence the employment or promotion of a person known to them;
- an employee using their council position to influence a decision with regard to housing allocation from which they, or a person known to them would benefit;
- an employee using their position to influence a decision with regard to licensing to benefit a club of which they are a member;
- an employee using their position to influence a decision with regard to a planning application from which they, or a person known to them would benefit.

3.3 The responsibility to make a declaration regarding a private interest lies with individual officers and in this regard, officers are expected to exercise professional judgement and integrity. Where an officer is in any doubt as to whether a declaration is necessary, they should consult their line manager.

3.4 Making a declaration of private interest does not remove the officer's responsibility to remove themselves from a position or situation which may result in a potential breach of the [Code of Conduct](#).

4. EMPLOYEES PAID EMPLOYMENT OUTSIDE THE COUNCIL

4.1 With regard to Register 3, the Code of Conduct states that:

'employees who undertake particular paid employment outside the council could place both the council and employee in a position that causes a conflict of interest and contravenes the requirements of the Code.'

4.2 A conflict of interest would exist in a situation where an employee is conducting business, employment or activity out with the council which has the potential to adversely affect their ability to perform their duties.

4.3 The [Code of Conduct](#) requires employees to declare **all** paid employment outside the council. Paid employment should be considered in the widest possible sense and should include self-employment and other private business interests.

4.4 In most cases, secondary employment/private business interests will not give rise to a conflict of interest, but it is for the council to make this assessment. In doing so, the

council will take account of the nature and working arrangements of the secondary employment and the potential for it to affect the work of the council

4.5 The following questions and examples may be useful in considering the types of secondary employment/business interest which could give rise to a conflict of interest:

- **Does the secondary employment/business interest pose a potential health & safety risk?** For example where the secondary employment is undertaken at night which could cause the employee to be overtired while operating machinery in their position with the council;
- **Is there potential for an employee to abuse their position in the council to the advantage of their secondary employment/business interest?** For example using council equipment without permission, directing subordinates to perform tasks for the secondary employment.
- **Does the secondary employment/business interest potentially expose the employee and the council to accusations of unfair practices?** For example where an employee who operates a private business submits a tender for goods or services used/offered by the council.
- **Is there potential for others to assume that an employee is acting under the auspices of the council where in fact they are undertaking their secondary employment?** For example where a planning officer for the council operates a property development business and is discussing development plans with owners of neighbouring properties.

4.6 Employees are not asked to determine whether a conflict of interest exists, but merely to declare any secondary employment/business interest. It then becomes a matter for the council to determine whether a conflict exists and to inform the employee accordingly.

4.7 The existence of a conflict or potential conflict of interest does not automatically preclude the employee from undertaking the secondary employment/business interest while working for the council. It may however require the employee to take steps to remove the conflict of interest or protect themselves and/or the council from any potential conflict.

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