

How to...Conflict of Interest

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Q1. Who does the Conflict of Procedure apply to?

It applies to all Perth & Kinross Council employees, i.e. Chief Officers, Single Status, Teachers and Craft Workers.

Q2. Why is it important to declare a conflict of interest?

The Council advocates that the community we serve should have full confidence that all decisions and actions taken by Council employees are as objective as possible.

It is therefore important that no impression is created which would suggest that you are using your position to promote financial or other private/personal interests rather than forwarding the general public interest.

This applies not only to formal decisions and recommendations, but to any area where you may have discretion as to the level or amount of service to be provided e.g. the amount of care an elderly person may receive from the Home Care Service or the type/amount of repairs a tenant may receive.

Q3. When do I need to declare a conflict of interest?

A conflict of interest typically arises, or may be perceived to arise, when the work you do involves decisions which may affect;

- Your private or personal interests.
- A close family member or close friend, e.g. in deciding about the provision of service, making a job offer, authorising sickness absence or overtime working and payments.
- A club or association or a body set up for a public purpose, e.g. community group, trade union, voluntary body, school board, health council/board, which you belong to or serve on or receive benefits from.

You should declare any interests which might have some bearing on the duties which you undertake for the Council, particularly any decisions or recommendations which you might be called upon to make.

It is important you read the [Employee Code of Conduct](#) as it sets out the standards the Council expects from you as an employee. It also highlights factors which may be of conflict to an employee. You should also read the [Other Work Policy](#), this How To guide and all documents referred to within the policy and code as you are required to adhere to these.

If you are in any doubt about whether a conflict of interest may apply you should complete the Conflict of Interest - Declaration Form available on MyView.

Q4. What are examples of a conflict of interest?

Examples include;

- **Financial Conflicts**

You, a close family member or close friend have an interest in a company or an organisation and you are involved in making decisions or recommendations which has a bearing on the company or organisation. This could be a decision regarding awarding a contract to a company you hold shares in or awarding a grant to an organisation of which you are a member.

You, a close family member or close friend own property, the value of which may be affected by a decision or recommendation of the Council and you are involved in making that decision.

- **Membership of a “Secret” Society**

You may be a member of a “secret” society such as the Freemasons, Knights of St Columba, Order of the Eastern Star, Order of Hibernians, etc.

If, in the course of your work, you might take decisions or make recommendations which benefit any other member of that society, e.g. decisions about appointments or the provision of services, you must declare your membership of that society and take no part in the decision.

This is not an exhaustive list and if you are in any doubt you should discuss with an Authorised Manager in your Service (detailed at Appendix 1).

Q5. How is a close friend defined?

It is difficult to define what a close friend is, but may include someone you have a personal relationship with, see on a regular social basis or go on holiday with. This would also include a member of your household or someone with whom you have a close personal relationship.

It is important to remember that there may be a perceived lack of objectivity when an employee is dealing with close friends. This includes situations where you are responsible for implementing Human Resources practice and procedure, for example authorising overtime working and payments to them.

Q6. Do I have to declare a one-off conflict of interest?

Yes. You must always declare a conflict of interest or where a perceived conflict of interest might apply, irrespective of whether it occurs as a one off, ad hoc or ongoing basis.

If you are in any doubt you should discuss with an Authorised Manager in your Service.

List of authorising personnel for Conflict of Interest requests

Corporate & Democratic Services

Heads of Service

Corporate HR Manager

Education & Children's Service

Executive Director

Depute Director

Heads of Service

Headteachers

Health & Social Care Partnership

Chief Officer/Director

Head of Adult Social Work and Social Care

Chief Finance Officer

Communities

Heads of Service

Q7. What information do I need to provide when declaring a conflict of interest?

The [Conflict of Interest - Declaration Form](#) sets out the information you need to provide, i.e. the type of interest and an explanation of the potential conflict.

It is your responsibility to declare any conflict. In cases of doubt, it is always better to declare an interest, even if it seems remote or unlikely to affect your work. In this way, you will safeguard yourself from the possibility of future criticism.

In making your decision to complete a form, direct financial benefit to you or others connected to you is clearly conflict. For other personal/private interests, you should ask yourself whether members of the public, knowing the facts, might reasonably suspect that you could be influenced by the interest.

If you consider you **may** have a conflict of interest you should complete the declaration form. This will ensure that no impression is created which would suggest that you are using your position to promote financial or other private/personal interests rather than forwarding the general public interest.

You should note that decision applies not only to formal decisions and recommendations, but to any area where you may have discretion as to the level or amount of service to be provided e.g. the amount of care an elderly person may receive from the Home Care Service or the type/amount of repairs a tenant may receive. Whilst completing a form may not be necessary in these circumstances, you should seek guidance from your Line Manager or an Authorised Manager in your Service before exercising that discretion.

Q8. What happens after I declare a conflict of interest?

A meeting should take place between yourself and an Authorised Manager in your Service to discuss any further action required regarding your conflict of interest within 10 days.

The Authorised Manager will decide whether your interest is sufficiently great that you should be excluded totally from the decision making process or whether there are enough safeguards to let you contribute to take part.

However, in relation to the employment interviews, where one of the job applicants is a relative or close friend, you should not take part. Also, you must not take part in any decision from which you derive direct financial benefit.

Q9. If I am authorised to continue is there any review of approval?

Yes. It is **your responsibility** to declare your conflict of interest on a rolling annual basis by completing the Conflict of Interest - Declaration Form on MyView.

Q10. What happens if I do not declare a conflict of interest?

If you choose not to make a declaration or you do not provide full disclosure then breach of this policy could be regarded as a disciplinary offence and dealt with under the [Achieving and Maintaining Standards Policy](#) or [Disciplinary Procedure for Teachers](#) ***and depending on the circumstances could be regarded as gross misconduct.***

Q11. Where can I get further advice?

Further guidance can be sought from your Line Manager or Human Resources – HR@pkc.gov.uk.