GUIDANCE TO STAFF ON:

- **PERSONAL INTERESTS,**
- **OFFERS OF GIFTS AND HOSPITALITY, and**
- **CARRYING OUT WORK OUTSIDE YOUR CONTRACT OF EMPLOYMENT**

1. Introduction

1.1 The Authority is a public body, and the public is entitled to expect the highest standard of conduct from its employees. The reputation of the Authority depends on all employees being seen to act appropriately, and in accordance with its own Employee Code of Conduct. This guidance summarises what you need to do, but if you are in doubt in any situation you should consult your line manager. Line managers who are themselves unsure should consult their Director.

2. Personal Interests

2.1 Section 117 of the Local Government Act 1972 states that you should not accept any payment or gift for doing your job, other than your proper remuneration from the Authority. Failure to comply is a criminal offence.

2.2 Section 117 also requires you to give the Authority written notice if you become aware that you, or your wife/husband/partner, has a financial interest in any contract (other than your own contract of employment) which the Authority has entered, or proposes to enter, into. This includes situations where you (or your wife/husband/partner) are an employee, a partner (ie a legal partner, part of a partnership) or a shareholder in a company which has or proposes to have a contract with the Authority. It does not include any other contracts to which you are yourself a party, but these should be declared as an interest – see section 4 below.

2.3 Beyond those legal provisions, the Employee Code of Conduct makes clear that you must always declare private interests which may have a bearing on your official duties. This applies to any interest which may be relevant to the performance of your duties, and includes not only your own personal interests, but also the interests of your close friends and family, if you are aware of them. Normally, this will result in arrangements being made for another officer to deal with the matter in question. This is important for two main reasons:

a) It protects staff. If there is something in your life away from work that may be thought relevant to the performance of your duties, it is important to be able to demonstrate that this has been dealt with appropriately. This will protect you from any accusations of having a “hidden agenda”, or that you are seeking to use your official position for the advantage of yourself, your family or your friends.

b) It protects the reputation of the Authority. In any situations where there may be a conflict between personal interests and public duties, we need to be able to show that

decisions have been taken purely in the public interest. Perceptions may be almost as important as reality in this area; it is important not only that we do act properly, but that we can demonstrate that we have done so.

2.5 It is your responsibility to decide whether you have a personal interest which may be relevant to the performance of your duties. In making this judgment, apply common sense, but not just on the basis of what you would or would not think, but also what a reasonable member of the public might think. For guidance, some examples are given in the Appendix to this guidance.

2.6 **So how do you declare an interest?** You should complete the relevant form which can be found in the Staff Guidance folder; have it signed by your line manager, and forward it to the Monitoring Officer. It will then be kept in a Register of Officers Interests, which will be accessible only to people with a need to know the information: eg auditors, the Ombudsman investigating a complaint, and managers in relation to their staff.

2.7 If a new interest arises, you should declare it as soon as you become aware of it. . If an interest you have declared ceases to be relevant, you should inform the Monitoring Officer, and the form you previously completed will be marked accordingly.

2.8 If you do not think that you have any interests to declare, there is no need for you to make a nil return.

2.9 You may be concerned that this is something of an intrusion on your privacy. However, all public sector employees have to accept a degree of accountability to the public for their actions. The public is entitled to expect that public money will be spent, and public duties be performed, purely in the public interest, without private motives playing a part. If there is public concern or suspicion, the Authority needs to be able to demonstrate that we have acted properly.

2.10 Finally, you must also declare any situation where you are related to a candidate for a vacant post within the Authority. “Related” means that they are your husband, wife or partner, or the parents, grandparents, children, grandchildren, brothers, sisters, nephews and nieces of yourself, or of your husband, wife or partner. To do this, simply write or email your declaration to your Director (Directors to the Chief Executive, and the Chief Executive to the Monitoring Officer). To avoid any accusation of bias you must not be involved in the appointment process.

3. Gifts and Hospitality

3.1 The general rule is to politely and tactfully refuse any gift or hospitality which is offered to you, or to any member of your family, by reason of your employment with the Authority. There is obvious scope for public suspicion and criticism if employees accept gifts or hospitality from persons or bodies who may have dealings with the Authority.

3.2 Under no circumstances may gifts of cash or equivalent be accepted, and under no circumstances may any gift be accepted from any person or body which is in the process of doing business with the Authority (eg a contractor or an applicant for planning permission).

3.3 Where the previous paragraph does not apply, there are situations where gifts/hospitality may be accepted:

- Small gifts often given to a wide range of people by an organisation, eg calendars, diaries, pens
- Small gifts given during a courtesy visit to another organisation
- Small gifts from public or voluntary bodies in recognition of actions done for them, such as giving a talk or demonstration
- Ordinary hospitality from another public body which is not related to any actual or potential business arrangement with the Authority
- Offers to attend private, social or sporting functions which are part of the life of the local community, or where the Authority should be seen to be represented, and where your line manager has agreed your attendance
- Normal hospitality received on approved attendance at conferences, courses and seminars

A small gift means one worth less than £25.

3.4 Where a gift is accepted, you should then pass it on for use by the Authority generally, unless it is given in recognition of something you personally have done beyond the call of duty (eg a talk at an evening meeting).

3.5 It would be very rare for an employee of the Authority to receive a bequest under a will but, if it did occur, the Chief Executive would decide whether the bequest could be accepted taking into account all the circumstances, including the lawfulness and propriety of conduct of the employee concerned.

3.6 Attendance at conferences, trade shows, demonstrations and opening ceremonies etc organised by commercial bodies should be undertaken at the expense of the Authority and subject to authorisation in accordance with the Scheme of Delegation (or, if that is not applicable, by the Director). Only the Chief Executive may authorise attendance at such an event at the expense of the commercial organisation.

3.7 All offers (whether or not accepted) of gifts and hospitality must be declared on the Officer Gifts and Hospitality form, which is found in the Staff Guidance folder. Completed forms should then be forwarded to the Monitoring Officer at Bainbridge, and will be kept in a Register of Gifts & Hospitality. This register will be open to public inspection by arrangement with the Monitoring Officer. The Monitoring Officer will if necessary, include a statement in his/ her Annual Governance Report to the Audit & Review Committee, updating members , but this report will not identify individual members of staff.

4. Work outside your Employment Contract

4.1 Staff graded over spinal column point 28 (broadly, those in Band C and above, and those above the bar in Band D) may not take any outside employment without the prior written consent of the Authority. Any requests should be determined by the appropriate Director (or by the Chief Executive in the case of an application by a Director), bearing in mind in particular whether the proposed work is likely to give rise to any conflict (or public

perception of conflict) with the interests of the Authority, or any prejudice to the role of the person concerned as an employee of the Authority (eg if private work would interfere with duties for the Authority).

4.2 There is a general presumption against employees undertaking any paid consultancy work (or other work) for the Authority outside their contracts of employment, unless it is in a completely unrelated activity. Work for the Authority should, where possible, be accommodated within the officer's normal workload and under the terms of their contract of employment (including overtime where applicable and properly authorised).

4.3 Exceptions may occasionally arise, but these require approval by the Chief Executive. If approved in principle, the work must then be commissioned in accordance with Financial Regulations (seeking formal quotations etc where so required). The work should then be carried out under a formal contract with the Authority, on the Authority's standard terms. The Contractor (who happens also to be an employee) will be treated (and paid) in the same way as an external contractor would be. Any such work would also need to be the subject of a formal declaration of interest, in accordance with Section 2 above.

4.4 Employees must not use any of the Authority's assets (premises, IT and telephone systems, vehicles, tools & equipment etc) for 'private' business – ie any work that is not being done on behalf of the Authority. This prohibition on use of the Authority's assets also extends to persons who are employees of the Authority undertaking work for the Authority outside of their contracts of employment.

5. Conclusion

5.1 In considering all of these issues, the primary consideration must be for the Authority and its employees to behave, and be seen to behave, with absolute integrity and purely in the public interest. When it comes to the Authority's reputation, public perceptions are almost as important as reality. That means avoiding giving any grounds for suspicion of wrongdoing and impropriety. It also means having the procedures and evidence in place to refute any allegations that are wrongly made.

5.2 It is hoped that this guidance will be helpful to officers, but any officer in doubt about what action to take should discuss the matter with their line manager. Any issues which cannot be resolved in that way should be raised with the relevant Director, who will consult Legal Services or others as necessary.

APPENDIX

The table below summarises what action should be taken in particular circumstances of perceived personal interests. This is provided for ease of reference, and is not a substitute for reading the guidance!

Issue	**Action to Take**
You or your wife/husband/partner have a financial interest in any contract that the Authority has or proposes to enter into.	Complete the declaration of interests form, have it countersigned by your line manager, and send it to the Monitoring Officer. See Section 2
Other private interests of yourself or your close friends/family which may have a bearing on your official duties.	As above.
Any change in interests declared under 1 or 2 above.	Inform the Monitoring Officer.
You are aware that you are related to a candidate for a vacant post with the Authority.	Inform your Director. See 2.10
You are offered a gift or hospitality.	Politely and tactfully refuse, unless one of the exceptions applies. See Section 3. Also complete a Gifts & Hospitality form, and send it to the Monitoring Officer.
You are graded over SCP 28, and wish to take outside employment.	Seek the consent of your Director. See Section 4
You wish to undertake paid work for the Authority outside of your employment contract.	Permission is required from the Chief Executive. See Section 4.If permission is given, you need to complete a declaration of interests form.

To illustrate what personal interests need to be declared, a few examples are set out below:

- Your job involves working with a voluntary organisation. Your spouse is on the management committee of the organisation. **You should declare this interest.**

- You are responsible for purchasing stationery for your office. You have a close friend who is the area sales manager of a firm that sells stationery. **You should declare this interest.**

- The Authority decides to look for new office accommodation in an area close to where you live. **You should declare this interest.**

- Apart from your job with Authority, you also work as a retained fire-fighter. Under your contract of employment, you have obtained permission for this. **There is no need to declare this**, unless there is some particular reason to think that the interests of the Fire Service and the National Park might be in conflict.

- You are a Planning Officer. Your brother applies to the Authority for planning permission. **You should declare this**. It is part of a process of demonstrating that you will not be involved in any decisions.

- Unbeknown to you, your sister has applied for planning permission. Obviously, you cannot declare things you do not know about. But if your sister told you she was going to make this application, then you should consider whether you should declare an interest. This is likely to depend on your position in the organisation. If you are a **senior manager, a Planning Officer or Technician, then you should declare an interest**. If, for example, you are a **Ranger in another part of the National Park, there would be no need to do so.**

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