**Code of Conduct**

**Overview**

The public is entitled to expect the highest standards of conduct from Local Government employees. All staff have a responsibility to ensure that their honesty and integrity are beyond criticism. Staff at all grades, whether permanent, temporary, directly or indirectly employed are therefore expected to abide by the standards required by the Council.

In order to help Local Government employees maintain and improve standards and in order to protect them from misunderstanding or criticism, the Local Government Management Board, in consultation with national employer representatives, has produced a national Code of Conduct for Local Authority staff. The Code has been produced to take account in particular of the challenges which face Local Authority employees in the new and more commercially orientated environment.

The standards which RBK expects of its employees are well established and the Council has a high degree of trust and confidence in its employees which is supported by its reputation for sound practice. However in order to make it easier for managers Head Teachers/Principals and employees to address what can be difficult situations the Council has decided following consultation and with the support of staff representatives including the Teachers’ Professional Associations, to adopt its own Code of Conduct, based on the national model. This Code is recommended for adoption, by Governing Bodies of Voluntary Aided Schools with adaptation as necessary, to reflect their status as employers of staff in those schools.

The Code brings together in one document and supplements where necessary, existing guidance in relations to the standards of probity required by the Council. The Code sets out the corporate standard for RBK as a whole. The guidance may be augmented where appropriate by departmental school or college procedures which reflect specific operating circumstances. Social Services staff for example should study the relevant guidance in their departmental manual. The Code applies to all staff including Teachers and Lecturers. However inevitably some issues will have greater relevance for some groups that others, depending upon the nature of their work. All employees should observe the guidance in the Code and departmental procedures to ensure that their conduct is in accordance with RBK’s standards and in order to protect their position in the event of any complaint or challenge.

The Code includes a procedure for employees to report concerns about workplace issues. All employees have an important role to play in preventing and tackling malpractice at work. The Council recognises that it can be difficult to speak up; to judge when it is appropriate and to know the best way to go about it. The Procedure for Reporting Concerns at Work aims to encourage employees to voice genuinely held concerns. In return the Council is committed to investigating concerns and taking firm management action when malpractice has been substantiated.

**Standards**

1. RBK is committed to maintaining public confidence by the continued provision of the highest standards of service.
2. All staff are expected to give the best possible service to the public, in accordance with the Council’s standards and, where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.
3. All staff at all grades, whether permanent, temporary, directly or indirectly employed are expected to abide by the standards required by the Council.
4. The standards of conduct which the Council expects of its employees at work are clearly set out in the written particulars employment; in RBK’s Rules about Conduct contained in the Employee Handbook or similar documentation in relation to schools staff and staff other than (former) APT & C or Manual Workers; in other Council policies and procedures set out in the Employees’, Managers’ and Health and Safety Handbooks and within departmental/establishments’ guidelines and procedures. Professional staff are also bound by standards of professional conduct.
5. This Code sets out the corporate standards which apply in RBK as a whole with regard to probity at work. The Code may be augmented by procedures which have been developed to meet specific operating circumstances in Directorates.
6. Failure to observe RBK’s standards of conduct may lead to disciplinary action. The Code is designed to help staff to act in a way which will protect them from criticism, misunderstanding or complaint.

**2. Disclosure of information (Code of Conduct)**

The accountability for safe custody and confidentiality of Council records is a prime responsibility for all staff at all times. For the avoidance of doubt:

1. All records (whether held in electronic or paper form and original or copied) must not be transferred electronically or physically removed from the Council’s premises except for properly authorised purposes. It is also staff’s responsibility to keep confidential files or records stored in the office safely.
2. The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public. Employees must be aware of which information within the Council is open and which is not, and act accordingly. Employees who are in any doubt about whether or not information is confidential should seek advice from their line manager.
3. Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority must not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.
4. The employee is required to declare all criminal / non-criminal convictions that occur whilst off-duty, including charging, during their employment with the Council. The Council will ensure it is investigated thoroughly and the [Disciplinary Procedure](https://intranet.kingston.gov.uk/task/disciplinary-and-capability-issues/follow-the-disciplinary-procedure-2/) is followed before a decision is taken, even in the case of proven criminal conduct. This also applies to suspected criminal conduct and if an employee has been charged but not yet tried. The decision needs to be reasonable and dismissal may not be the automatic outcome.
5. The General Data Protection Regulation (GDPR), requires employers to comply with principles for processing personal data, including protecting against unauthorised access of personal data. Personal data must not be inappropriately accessed or disclosed as it may constitute a data breach.

This guidance is not intended to deter you from undertaking your normal work, including taking documents home or to meetings for the purpose of your duties. However, if you are ever in any doubt regarding the appropriateness of removing Council documents, you should consult your line manager. You can also contact [HR.](https://intranet.kingston.gov.uk/team/hr/)

**3. Political neutrality (Code of Conduct)**

1. Employees serve the Authority as a whole. It follows they must serve all Councillors and not just those of the controlling group and must ensure that the individual rights of all Councillors are respected.
2. In so far as employees may be required to advise political groups, they must do so in ways which do not compromise their political neutrality.
3. As a result of provisions under the [Local Government and Housing Act 1989](http://www.legislation.gov.uk/ukpga/1989/42/contents) to ensure the political impartiality of Local Government employees, some employees’ posts are subject to ‘political restriction’. This means that the post holders are prohibited from involvement in political activities, as these could conflict with their responsibilities at work. All employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinion to interfere with their work.
4. Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are subject to specific conditions as set out in the Regulations.

**4. Politically restricted posts (Code of Conduct)**

The [Local Government and Housing Act 1989](http://www.legislation.gov.uk/ukpga/1989/42/contents) contains a number of provisions to ensure the political impartiality of local government employees, and introduces the general principle of the ‘politically restricted’ post and of restricting political activity.

The purpose of this guidance is to highlight the implications of the Act including the implications for terms and conditions of service with the Council.

**Who is affected?**

The Act’s operation and many of its provisions flow from the definition of a ‘politically restricted’ post. A post is designated as such if it is either:

* a ‘specified’ post (broadly, the Authority’s top management); together with any officer to whom the Council or a committee or sub-committee has delegated any of its power to make decisions, and officers who report directly to a ‘specified’ post
* a post whose remuneration level is, or exceeds, spinal column point 44 (or an equivalent rate for part-time staff), and the post holder does not seek, or is not successful in seeking exemption from the Independent Adjudicator (see paragraph below)
* a ‘sensitive’ post, ie a post whose duties include giving advice on a regular basis to the Council or committee (including sub-committee or joint committee) or speaking on behalf of the Authority on a regular basis to journalists or broadcasters

**What restrictions are imposed on ‘politically restricted’ posts?**

‘Politically restricted’ employees are:

* automatically disqualified from holding elected office and are, therefore, precluded from becoming a member of a local authority (other than Parish or a Community Council), member of Parliament or a member of the European Parliament
* prohibited from canvassing at elections for a candidate for election to a local authority, Parliament or the European Parliament
* prohibited from acting as an election agent or sub agent for a candidate for election to a local authority, Parliament or the European Parliament
* prohibited from holding office in a political party
* prohibited from speaking or writing publicly (other than in an official capacity) on party political matters

The Act also prevents any local government employee from being appointed to the employer’s side of any body responsible for negotiating terms and conditions of local government staff. Limited are also introduced on the amount of time-off which may be granted to employees fulfilling their duties as a member of a local authority.

**The Independent Adjudicator**

Under the Act, an Independent Adjudicator has been created to consider, amongst other matters:

* applications from employees designated ‘politically restricted’ solely on remuneration grounds, (ie spinal column point 44 and above) for exemption from such restriction.
* appeals from staff, that a local authority has not properly applied the ‘sensitive post’ criteria

**Implications for terms and conditions of service**

The Act provides that the restrictions on political activity will be incorporated as a term of the contract of employment of those designated as holders of politically restricted posts.

**Administration**

Employees affected by this legislation are notified on appointment or on reaching the relevant point on the salary scale. They are also advised how to apply for exemption from the restriction. The provisions of the Act relating to the political restriction are wide ranging in their application and scope. Further advice is available from [Human Resources](https://intranet.kingston.gov.uk/team/hr/).

## 5. Relationships (Code of Conduct)

Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers, and all are there to carry out the Council’s work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors, and should therefore be avoided.

### The local community and service users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community, as defined by the Council’s policies.

### Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to your line manager. Orders and contracts must be awarded in accordance with RBK’s financial procedures: [Contract Standing Orders](https://moderngov.kingston.gov.uk/ecSDDisplay.aspx?NAME=Part%204&ID=5073&RPID=14162567&sch=doc&cat=194&path=194); financial regulations; other departmental procedures which are designed to ensure award on merit and value for money, by fair competition against other tenders. No special favours should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors, or have any other official relationship with contractors, and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their line manager.

**6. Appointments (Code of Conduct)**

It is the Council’s policy that ‘all employees are recruited, trained and promoted on the basis of ability, the requirements of the job and similar relevant and objective criteria’ (Equal Opportunities Statement of Intent). All the Council’s Human Resources policies and practices take full account of the Equal Opportunities Policy and are designed to ensure that appointments are made on the basis of merit.

1. Employees involved in appointments must ensure that these are made in accordance with RBK’s recruitment and selection procedures or equivalent, where powers of appointment are varied under schemes of delegation, Equal Opportunities Policy, and where relevant, Staffing Reductions Policy. It would be unlawful for an employee to make an appointment which was based on anything other that the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him or her. In these circumstances, employees should report any such relationships to their line managers at the earliest opportunity.
2. Similarly, employees should not be involved in decisions about discipline, promotion or pay adjustments for any other employee who is a relative or friend.
3. Guidance on the Council’s Equal Opportunities Policy is set out in the Managers and Employee Handbooks. RBK’s recruitment and selection procedures are contained in the Managers Handbook. Further advice can be obtained from your Human Resources Section. It is recommended that all employees who are, or who are likely to be involved in recruitment should attend training in Recruitment and Selection which is provided by Human Resources Services Training.

## 7. Equality issues (Code of Conduct)

All RBK employees must ensure that they comply with the Council’s policies relating to equality issues in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

**8. Tendering roles (Code of Conduct)**

**Separation of roles during tendering**

1. Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must have a full regard to the need for accountability and openness.
2. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
3. Employees who are privy to confidential information on tenders, costs or any contract evaluation or registration for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
4. If employees contemplate a management buy-out they must, at the point they form the intent so to do, inform the appropriate manager and withdraw from the contract awarding process.
5. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

**9. Fraud and corruption (Code of Conduct)**

Find out how to:

* [report fraud or corruption](https://intranet.kingston.gov.uk/task/report-fraud-or-corruption/)
* [report illegal activity, abuse or wrongdoing (whistleblowing)](https://intranet.kingston.gov.uk/task/report-illegal-activity-abuse-or-wrongdoing-whistleblowing/)

**Fraud and corruption**

1. The term fraud is used in its widest sense and covers the perpetration of all financial irregularities where there has been a dishonest intent for gain. Corruption can be described as an act of collusion, where one person benefits indirectly from a fraud perpetrated for the direct benefit of another. The benefit may be in cash, in kind or as a favour. Fraud and corruption are serious disciplinary issues and may also lead to criminal investigations.
2. Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
3. Any suspicion of financial irregularity must be reported immediately to your line manager or the [Internal Audit and Investigations Service](https://intranet.kingston.gov.uk/team/internal-audit-and-fraud-investigations/) for investigation.

## 10. Use of financial resources (Code of Conduct)

Employees must ensure that they use and account for public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

**11. Gifts and hospitality (Code of Conduct)**

* Find out [how to declare gifts or hospitality](https://intranet.kingston.gov.uk/task/declare-gifts-or-hospitality/)

The aim of this guidance is to protect the honesty and integrity of the Council or its staff against accusations of corruption or improper motives.

To maintain a consistent Council-wide approach standard guidelines, procedures and forms have been produced. All directorates must comply with the guidelines and procedure outlined below.

All staff at all grades, whether permanent, temporary, directly or indirectly employed are expected to abide by the standards required by the Council, and, as such, to make timely declarations and to declare gifts and hospitality given and received.

**Guidance on the acceptance of gifts or hospitality**

Staff should only accept offers of hospitality if there is a genuine need to impart or receive information, or to represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Attendance should be authorised and recorded in advance by your line manager. The criterion to be considered will be whether attendance is of demonstrable benefit to the Council.

When considering offers of hospitality, staff should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Acceptance by staff of hospitality through attendance at relevant conferences and courses will normally be acceptable where it is clear the hospitality is corporate rather than personal, where your line manager gives consent in advance and where your line manager is satisfied that any purchasing decisions are not compromised.

Where visits to inspect equipment etc are required, staff should ensure that the authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. If the Council is meeting the cost, the individual employee is not placed under any obligation to those who might otherwise be offering hospitality.

When hospitality has to be declined, the offerer should be courteously but firmly informed of the procedures and standards operating within the Council.

Staff should not accept gifts other than insignificant and impersonal items of token value, such as trade pens, diaries etc. Acceptance of gifts, however well intentioned a gesture on the part of the donor, is open to misinterpretation. ‘Token value’ is emphasised in relation to the examples given here. Gift of diaries, for instance, which were of more than token value would not be acceptable.

## 12. Sponsorship (Code of Conduct)

Where an outside organisation wishes to sponsor or is seeking to sponsor an RBK activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest at the earliest opportunity. Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## 13. Sales offers (Code of Conduct)

All employees with responsibility for purchasing must ensure that any benefit from sales promotions accrues only to RBK or is declined. All purchasing decisions must be made on the basis of commercial criteria alone and in accordance with RBK’s financial procedures.

**14. Declaration of interests (Code of Conduct)**

* Find out [how to declare an interest](https://intranet.kingston.gov.uk/task/declare-an-interest/)

**Code of Practice for the declaration of interests**

All staff at all grades, whether permanent, temporary, directly or indirectly employed are expected to abide by the standards required by the Council.

**1. General Principles**

1.1 All staff have a responsibility to act in a way in which will ensure that public confidence in their honesty and integrity is maintained. Public confidence can be affected by public perceptions of employees’ conduct. Therefore it is important that employees not only maintain high standards of conduct at work but also that they avoid the appearance of any improper conduct. Involvement with outside activities may sometimes affect duties and responsibilities at work. Employees must be able to demonstrate, should any questions arise, that their judgement and actions at work are objective and impartial and are not affected or influenced by personal considerations arising from their commitments and/or activities outside work. It follows that employees should not put themselves in a position where potential conflicts of interest may arise, or be perceived to arise, between their private interests and their responsibilities as RBK employees.

1.2 The Council expects that its employees will make every reasonable effort to avoid putting themselves in a position where a conflict or perceived conflict, of interest may arise. One of the ways employees can safeguard their integrity in this respect is to place on record any outside activities which might potentially give rise or be perceived to give rise to conflicts of interest. Openness about private interests provides the opportunity for employees to consider, in discussion with their managers, whether pursuit of an interest might conflict or be seen to do so, with their responsibilities at work and how any potential conflict might be avoided. Being open about personal commitments and activities enables employees to avoid putting themselves in a position where a conflict might arise between their personal pursuits and their employment with the Council. By declaring private interests employees will be able to confirm in the event of any challenge, that they have properly advised the Council. Employees’ actions can be examined, if the need arises, in the light of their declared interest. Declarations of interest help to protect the reputation of RBK staff for honesty and integrity.

1.3 Accordingly employees are required to declare any interests – relevant private commitments or activities – which might potentially give rise to a conflict, or might be perceived by the public to give rise to a conflict, with their work responsibilities.

1.4 Employees should seek advice from their manager before committing themselves to a course of action. If employees are in any doubt about the potential relevance of an interest, they should seek advice from their manager. Failure to disclose a relevant outside interest is considered a breach of RBK’s standards of conduct and may lead to disciplinary action.

1.5 The Council will not seek unreasonably to restrict employees’ activities. However the Council considers that employees have an obligation to avoid putting themselves in a position in which they are unable fully to undertake their duties for RBK because a conflict of interest. Employees need to consider whether an interest is compatible with their responsibilities for RBK.

**2. Requirements for declarations of interests**

2.1 Employees must declare any relevant non-financial interests which they consider could give rise to a conflict of interest or could reasonably be seen as giving rise to such a conflict with the Authority’s interests. RBK places a high level of trust in staff and does not require comprehensive disclosure of all leisure and personal activities and interests. However any relevant non-financial interests must be disclosed.

2.2 Employees must declare any relevant financial interests, which could conflict, or be seen to conflict with RBK’s interests. Such interests include additional employment. All staff must declare any additional employment within or outside the Council. Employees above Grade F, both full and part time, must obtain prior consent before taking up any additional employment or engaging in any other business including company Directorships: this is known as the Whole-Time Service requirement. In the context of additional employment employees should be aware that RBK reserves its legal rights to ownership of intellectual property/copyright insofar as it may be created during employment by RBK.

2.3 Employees must declare membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

**3. RBK’s Procedure For Declaration of Interests**

3.1 The procedure which non-teaching staff and centrally employed teachers should follow to seek to declare private interests and/or apply for consent to take up additional employment is set out in RBK’s [Procedure for the Declaration of Interests](https://docs.google.com/a/unifiedgov.co.uk/document/d/1Iw2rfOLrDCOis1q8o1HTw-9F4MJ_OhRdwcBJOtW0uio/edit?usp=sharing). This procedure sets out the steps employees must follow to meet the requirements of this code in practice. The procedure provides for disclosures by employees to be discussed with their line managers and considered by their service Director and, in the case of directors/Chief Executive, by the Chief Executive/Head of Human Resources. The procedure provides a framework within which questions of potential conflict of interest are addressed. It is emphasised that employees should provide managers with full details of interests at an early stage so that there can be informed discussion of the issues.

3.2 Teachers and lecturers employed in schools and colleges should follow similar principles and put on record any private interests which may be relevant with their Headteacher/Principal or in the case of the Headteacher/Principal, the Chair of Governors.

**4. Guidance on declarations of interest**

The guidance which follows is intended to:

* amplify and illustrate RBK’s requirements for the declaration of interests;
provide clarity about the issues employees and managers need to take into account when considering the pursuit of outside interests
* ensure that employees and managers know what their obligations and responsibilities are and how they are to be met in practice
* set out the main questions Directors will wish to address when considering declarations of interests by employees, and
* it specifies how the guidance relates to the personal position of directors and the Chief Executive

**What is a ‘relevant interest’?**

4.1 RBK acknowledges that many staff live within or near the Borough and to that extent they have an ‘interest’ in the Council’s affairs beyond those of employees generally. However the procedure is concerned with those activities and interests in employees’ personal lives which might be considered by the Council or the public, to impinge upon their responsibilities in their jobs. An interest will be ‘relevant’ if it provides scope for a public perception of a conflict with work responsibilities. Relevant interests may be broadly categorised as financial or non-financial.

**Financial interests**

4.2 RBK requires staff to declare any relevant financial interests which could conflict with the Council’s interests, for example:

* property holdings in the borough which generate an income
* directorships and/or share holdings in companies which either deal with RBK or operate in the borough
* pecuniary interest in Council contracts; personally or in respect of a spouse/partner, or other close relationship
* additional employment within or outside RBK

4.3 Staff should not take up other employment which conflicts with the Council’s interests. All staff must declare any additional employment. This requirement applies not only in the context of potential conflicts of interest but is also necessary to enable the Council to fulfil its responsibilities in respect of Health and Safety legislation, in particular the [Working Time Regulations](http://www.legislation.gov.uk/uksi/1998/1833/contents/made). Staff graded above Grade F should note that they are required not only to declare additional employment, but to seek prior approval before taking up another job or engaging in any other business including company directorships. It is good practice for all staff to seek such prior approval. RBK will not unreasonably seek to prevent staff from taking up other jobs. However, the Council must be satisfied that the employment does not represent a potential conflict of interest.

4.4 Many other circumstances may arise where there may be the potential for a conflict of interests. For example:

* personal relationships between those responsible for authorising and those applying for Council services, such as housing, social services or education awards
* personal relationships between those recruiting to and those applying for employment with RBK
* relationships in a private or domestic capacity with Council contractors
* relationships in a private or domestic capacity with tenderers for Council contracts
* a senior planning officer purchasing a property in a new development in the borough

**Non-Financial Interests**

4.5 There may be circumstances where an individual’s pursuit of non-financial private interests conflicts with his/her responsibilities as a Council employee, or could reasonably be seen as a source of conflict.

4.6 Ordinarily the Council would not expect to have details of what are, essentially, private affairs, but to avoid the possibility of any conflict of interest arising, staff should consider whether any activities in which they are involved could possibly give rise to such a conflict.

4.7 Professional staff are bound by their professional standards and this guidance, therefore, needs to be read in conjunction with well understood rules of conduct.

4.8 It is emphasised that the Council considers that the burden of disclosure rests with the individual employee in these matters. The Procedure does not require comprehensive disclosure of each and every leisure and personal interest and activity. The Council places a high degree of trust in its staff. However, staff must declare any relevant non-financial interests which could give rise to a conflict of interest, or could reasonably be seen by the Council or the public as giving rise to such a conflict. Examples could include:

* membership of organisations or interest groups in the community – an employee might be asked to provide advice based upon his/her knowledge of Council activities
* involvement with an organisation which receives grant aid from the Authority

4.9 In the context of non-financial interests, the Council requires staff to declare membership of ‘secret societies’ ie any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules of membership or conduct. This includes membership of Freemasonry.

4.10 In summary, the definition of a ‘relevant interest’ will depend upon the nature of the interest and the particular responsibilities of the job. While this guidance is intended to be comprehensive the examples given are necessarily illustrative, rather than exhaustive. The primary judgement that staff need to make is whether there is any scope for a public perception of a conflict of interest. Failure to disclose a relevant outside interest is considered a breach of RBK’s standards of conduct and may lead to disciplinary action. Therefore in the event of any doubt about the relevance of any particular activity, financial or otherwise, advice should be sought from the line manager. However, in seeking advice staff should bear in mind that they are best placed to know how any conflict might arise between their job and the interest under consideration.

**When should an interest be declared?**

4.11 The purpose of requiring declarations of interest is to:

* safeguard staff from placing themselves in positions where conflicts of interest may arise
* help staff to avoid placing themselves and the Council in a position in which they are vulnerable to criticism or complaint, and
* prevent staff from putting themselves in a position in which they are unable fully to do their job

It follows that interests should be declared at the earliest opportunity at the point when an employee considers there is the realistic possibility of a potential for conflict arising between his/her work responsibilities and personal activities/commitments.

Staff must declare any interests before committing themselves to a course of action. There must be an early dialogue with the line manager to establish whether or not pursuit of an interest will present a conflict with employment responsibilities. This applies equally to directors and the Chief Executive as to other staff.

It must be emphasised that it is the Council’s expectation that staff are under an obligation to avoid putting themselves in a position in which because of a conflict of interest, they are unable to carry out the full requirements of their job. There may be circumstances in which staff may need ultimately to consider whether pursuit of a particular interest is compatible with their employment by RBK. The issue of when to declare an interest, like that of the definition of a relevant interest, will, necessarily, be a matter of judgment. However it is emphasised that in the event of doubt it is better to speak sooner rather than later.

**5. Guidance for Directors in Considering Declarations of Interests**

The guidance which follows is intended to be illustrative rather than an exhaustive list of questions to be considered. Directors may wish to seek advice from the Head of Human Resources in specific cases.

**5.1 Applications to undertake additional employment**

There is an obligation on staff above Grade F to seek consent before taking up additional employment.

The issues to be considered by directors in considering requests for staff who wish to pursue outside activities are:

* what is the nature of work to be undertaken?
* would this present a conflict of interest with the employee’s official duties?
* when is it proposed to undertake the activity and over what length of time?
* would this in any way affect the employee’s ability to discharge his/her responsibilities for RBK?
* are there any implications in respect of the Working Time Regulations?
* does the employee have any personal interest in the company or organisation

**5.2 Financial and non-financial interests**

In relation to other financial and non-financial interests, directors will wish to consider the extent to which the declared, private interest represents a conflict of interest with an employee’s responsibilities, or could reasonably be seen as a source of conflict by the Council or a member of the public.

In responding to requests for guidance from staff or in considering completed declaration forms, questions which Directors will want to pose include:

* what level of involvement does the employee have in the organisation or company concerned?
* in considering an employee’s membership of particular organisations, the issue should not be confined to considering the membership itself, but rather the use to which an employee may put his/her involvement with the organisation or the position into which they may be placed as a result of membership)
* is the organisation (or property holding) concerned located within the Borough or, does it operate within the borough?
* to what extent does the employee concerned have scope to influence the decision making process?
* to what extent does the individual’s work bring him/her into contact with other staff who are involved in the decision making process
* could employee’s workload be re-organised so that any potential conflict is removed

If an employee is excluded from any particular work activity due to a potential conflict of interest, the service director will be responsible for ensuring that relevant staff within and outside the directorate and members are notified of the exclusion and the reason for it.

**6. Guidance for directors**

The Council’s requirements and guidance in respect of declarations of interests apply to all staff including directors and the Chief Executive. However the procedure is necessarily modified for directors to provide for consideration of any declared interests, or proposals to undertake additional appointments, to be the responsibility of the Chief Executive.

Disclosures by directors will be notified to the Party Group Leaders. In view of the public profile of directors and the nature of their responsibilities, it is emphasised that the need for early discussion of any potential conflicts of interest is particularly important. The Head of Human Resources is available to advise the Chief Executive in respect of his/her personal position.

**7. Conclusions**

RBK’s [Procedure for the Declaration of Interests](https://intranet.kingston.gov.uk/task/declare-an-interest/), which sets out the process to be followed and [declaration of interests form](https://docs.google.com/forms/d/e/1FAIpQLScokEU0v5Pn_nvdFtEKQix7caT4Sod4XyCD_a6indwpXjpstg/viewform) to be completed to declare an interest or seek consent to take up another job are linked. You should read the procedure carefully. Any questions about this guidance or the procedure should be raised with line managers in the first instance. Further advice and/or copies of this Code of Practice and the Procedure for Declarations of Interests are available from [Human Resources Services](https://intranet.kingston.gov.uk/team/hr/).