



# Code of Conduct and Conflict of Interest Policy

**Date:** February 2015

## Document summary

This Code sets out the minimum standards of conduct that employees will be expected to observe when carrying out their duties. The Code is there to protect you in the event that your actions are subject to challenge.

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## About this document:

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<p><b>Accessibility help</b></p> <p>Zoom in or out by holding down the Control key and turning the mouse wheel.</p> <p>CTRL and click on the table of contents to navigate.</p> <p>Press CTRL and Home key to return to the top of the document.</p> <p>Press Alt-left arrow to return to your previous location.</p> <p>References shown in <a href="#">blue text</a> are available on the Intranet/Czone.</p> <p>References shown in <a href="#">underlined blue text</a> are links to other areas of this document.</p>	

# Code of Conduct and Conflict of Interest Policy

## Key Points:

- This policy applies to all County Council employees, including schools based employees where the Governing Body has adopted the policy (subject to such other changes which may have been adopted by the Governing Body of the school). Throughout this policy, reference to the 'County Council' includes County Council-maintained schools.
- Words such as 'you' and 'your' throughout this policy refer to an employee of the County Council.
- The Code aims to ensure that confidence in the integrity of employees is maintained at all times.
- The Code forms part of your contract of employment and must be followed – breach of this code may be viewed as a serious disciplinary matter depending on the severity of the breach.
- The Code, where appropriate, must be read in conjunction with the [Anti-Fraud and Corruption Strategy](#), [Whistleblowing Policy](#), [Financial Regulations](#), [Procurement Standing Orders](#), the [Scheme of Delegations](#), and with any other more detailed County Council/Departmental operational instructions/guidelines.
- All potential conflicts of interest must be declared before the activity commences or the issue arises. If your circumstances change, it is your responsibility to immediately inform your manager and make a new declaration.
- All staff will be reminded of the need to declare potential conflicts of interest and required to complete an annual form.
- A separate code of conduct applies to Members ([Members' Code of Conduct](#)).
- For School Governors, a code of practice is available from the National Governors Association website.

## 1. Introduction

- 1.1. This Code should be considered alongside relevant guidance from professional bodies, such as the Health and Care Professions Council. In Schools, this includes the 'Code of Conduct for Employees Whose Work Brings Them into Contact with Young People'.
- 1.2. Please take time to read this Code, and make sure that you understand it. Although this Code cannot be exhaustive, its intention is to provide sufficient information to make you aware of what is required of you. Therefore, if you are unclear, or want to know something specific, please talk to your manager.
- 1.3. It is important that you understand that a breach of the Code could lead to disciplinary action, and even dismissal, depending on the severity of the breach (please refer to the [Disciplinary Policy and Procedure](#)). Ignorance of the guidelines in the Code will not be seen as a valid excuse.
- 1.4. All staff are required to complete the Declaration Form for all potential Conflicts of Interest ([Appendix 2](#)). You will be asked to review your declaration of interest form annually. However, if there is a change in your circumstances and a potential conflict arises, it is your responsibility to inform your manager as soon as possible so the conflict of interest can be considered.

- 1.5. Throughout this policy, where it is stated that Assistant Directors will determine whether a conflict of interest exists or whether a gift or offer of hospitality may be accepted, when the employee in question is an Assistant Director the determination will be made by the relevant Chief Officer and/or the Assistant Chief Executive. For Headteachers, the school's Governing Body should decide and a recommendation may be sought from the Director of Children's Services.

## **2. Standards**

- 2.1. You are expected to give the highest possible standard of service to members of the public, observing the standards of conduct which the law, the Council's [Standing Orders and Financial Regulations](#), Conditions of Service, this Code and any School /Departmental rules require together with any relevant guidance from professional bodies.
- 2.2. The Council has adopted the Nolan Committee's seven principles, which set the standards in public life. In performing your duties, you must act in accordance with the seven Nolan principles, which are:
- Selflessness – You must act solely in terms of the public interest and not in order to gain financial or other material benefits for yourself, family or friends.
  - Integrity – You should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
  - Objectivity – You must make choices on merit when making decisions on appointments, contracts, or recommending rewards and benefits for individuals.
  - Accountability – You are accountable for your decisions and actions to the public and you must submit yourself to whatever scrutiny is appropriate.
  - Openness – You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.
  - Honesty – You have a duty to declare any private interests relating to your work and you need to take steps to resolve any conflicts arising in a way that protects the public interest.
  - Leadership – You should promote and support these principles by leadership and example.
- 2.3. You are encouraged and expected, through agreed procedures and without fear of recrimination, to raise workplace concerns about risk, malpractice or wrongdoing in accordance with the County Council's [Whistleblowing Policy](#).
- 2.4. You must ensure that you use public funds entrusted to you in a responsible and lawful manner and in accordance with the County Council's Financial Regulations.
- 2.5. If requested to do so, you are expected to co-operate in any investigation being carried out by or on behalf of the County Council.

## **3. Political neutrality**

- 3.1. Please note that Section 3 'Political Neutrality' is not applicable to employees on teachers' terms and conditions of employment.
- 3.2. You serve the County Council as a whole. It therefore, follows that you must serve all County Councillors and not just those of the majority group and you must ensure that the individual rights of all County Councillors are respected.

- 3.3. You must not be involved in advising any political group of the County Council or attend any of their meetings in an official capacity without the express consent of your Chief Officer. You must follow every lawful expressed policy of the County Council and must not allow your own personal or political opinions to interfere with your work.
- 3.3.1. Political Assistants appointed on fixed term contracts in accordance with the Local Government & Housing Act 1989 are exempt from these conditions.
- 3.4. As an employee of the County Council you are not eligible to stand for office as an elected member of the County Council. For County Council staff (with the exception of staff on Teachers' Terms and Conditions of Employment), some posts are politically restricted and employees are prohibited from political activity as defined in the [Local Government and Housing Act 1989 \(as amended\)](#), either:
- (i) where the post holder gives advice on a regular basis to the Authority (meaning the County Council, the Cabinet, Lead Cabinet Member, any committee or sub-committee of the Authority, or to any committee on which the Authority is represented); and/or
  - (ii) the post holder speaks on behalf of the Authority on a regular basis to journalists or broadcasters.
- Advice on this can be obtained from the Assistant Chief Executive.
- 3.5. If your duties bring you into contact with County Councillors, you should be aware that guidance on relationships with Councillors is contained within the [Code on Member/Employee Relationships](#).

#### **4. Using County Council equipment, materials and property**

- 4.1. You must ensure that you use public funds entrusted to you in a responsible and lawful manner, and in accordance with the County Council's [Financial Regulations](#), and all other relevant County Council policies.
- 4.2. The facilities and equipment provided as part of your work belong to the County Council and should only be used for legitimate County Council business purposes. Please ensure that you:
- Comply with health and safety regulations and use personal protective equipment as required;
  - Take care of County Council property or equipment, keeping it secure and reporting any breakages or breaches of security;
  - Use equipment and facilities for authorised purposes only;
  - Do not use County Council equipment or property, including vehicles, for your own private benefit or gain or in fraudulent activity or for any unauthorised purposes.
- 4.3. Facilities and equipment is taken to mean, but is not limited to; computers, software, telephones, vehicles and intellectual property. Please also refer to the [Personal Use of Council Equipment Policy](#), [Internet Access and Usage Policy](#), and [Email Use Policy](#).

## 5. Gifts, bequests and legacies

- 5.1. It is a serious criminal offence for you to corruptly receive or give any bribe, gift, loan, fee, reward, or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. If an allegation is made, it is for you to demonstrate that any such rewards have not been corruptly obtained. Please also refer to the [Anti-Fraud and Corruption Strategy](#).
- 5.2. As a representative of the County Council it is important that you treat any offer of a personal gift, loans, fees, rewards or other financial or in kind advantage (collectively referred to here as 'gifts') with care. You must not accept gifts from contractors or potential contractors, including those who have previously worked for the County Council, service users, clients or suppliers.
- 5.3. You should handle the refusal of gifts with tact and courtesy. The intentions of those offering gifts may not have been corrupt but simply inappropriate to professional relationships in the public sector. It is therefore important, that where organisations make offers of gifts or hospitality, they are clearly made aware that such practice is unacceptable and should not be repeated.
- 5.4. If you receive any unexpected gifts they must be returned with a polite refusal letter to the sender, which makes it clear that County Council employees are not permitted to accept any gifts, other than those set out in sections 5.6 and 5.7.
- 5.5. All gifts offered including, but not limited to, inducements such as air miles, trading discounts, vouchers, or offers of hospitality, must be declared (See [Declaration of Gift or Hospitality Form at Appendix 3](#)).
- 5.6. Minor articles such as diaries, calendars, mugs, office items and the like will not be regarded as a gift. If you have any doubt as to whether an item falls within the definition of a gift and / or is acceptable, you are expected to raise this with your manager at the earliest opportunity.
- 5.7. In the case of schools, low value items are frequently offered as a gesture of appreciation from pupils, parents or carers, at the end of term for example. These may be accepted if they are not in any way connected with the performance of duties. Discretion should be exercised where the items offered are in excess of £10 in value and then can only be accepted with the Headteacher's approval and must be declared.
- 5.8. The same rules as above apply to bequests, which must be refused, unless there are special circumstances approved in writing by your Assistant Director in consultation with the Assistant Chief Executive. In schools, this should be approved by your Headteacher and Chair of Governors. (See [Declaration of Gift or Hospitality Form at Appendix 3](#)).

5.9. In summary:

- You should not accept gifts.
- Declare the offer of any gifts (including bequests or legacies).
- You should handle the refusal of gifts with tact and courtesy and make those offering them aware that such practice is not acceptable and should not be repeated.
- Unexpected gifts must be returned with a polite refusal letter to the sender.
- All gifts offered for any amount must be declared.
- Minor articles of a promotional nature such as diaries, calendars, and mugs will not be regarded as a gift.
- If you have any doubt, as to what is acceptable, speak to your manager beforehand or at the earliest opportunity following receipt of the article or gift.
- In the case of schools, articles from pupils/parents/carers of less than £10 in value need not necessarily be refused.

## 6. Hospitality

6.1. You should exercise caution in offering and accepting accommodation, tickets or passes for an event, food or drink, or entertainment which is provided free of charge or at a discounted rate ('hospitality'). You should bear in mind how it might affect your relations with the party offering it or receiving it and how it might be viewed by a range of stakeholders, including:

- County Councillors;
- School Governors;
- other potential suppliers/contractors;
- the public;
- the media;
- your colleagues.

6.2. When considering any offer of hospitality, the following should be considered when determining whether it can be accepted:

- the invitation comes from an organisation or individual likely to benefit from the County Council;
- the organisation or individual is seeking a contract with the County Council, or one has already been awarded;
- in the case of a visit, it is genuinely instructive and does not constitute, or could be perceived as being, more of a social function;
- the scale and location of the hospitality is proportionate and relative to the event;
- the event takes place outside of normal working hours;
- it is being offered on a frequent basis;
- it is being offered just to you or others as well;
- the hospitality is purely a social or sporting event as opposed to an event which you are attending in an official capacity.

- 6.3. Examples of Hospitality which should not normally be accepted include:
- events that are purely social occasions;
  - attendance at events that, if they had been funded by the County Council, would be perceived as a poor or inappropriate use of public funds;
  - events where current or potential contractors pay for the meals or the table at the event; and /or
  - attendance at corporate events, including sporting or cultural events.
- 6.4. Examples of events which may be accepted (subject to consideration of the factors listed in 6.2):
- events that are clearly of a training or development nature; and / or
  - events where you are invited to attend as a formal representative of the County Council and attendance relates directly to the performance of your duties.
- 6.5. In all instances where you wish to accept hospitality, including site visits as part of procurement or similar activities, you must seek the approval in advance in writing from your Assistant Director/Headteacher and wherever possible the County Council should meet the cost of your attendance in full.
- 6.6. Particular care should be taken in the case of attendance at conferences, seminars or other training and development events, where current or potential contractors or suppliers offer to pay the associated costs. Whilst these may be business related events, it may be inappropriate hospitality to be funded by others. In such cases, advice should be sought from your Assistant Director/ Headteacher but as a general rule, if the event is genuinely business related then it should be funded by the County Council and the expense subject to the normal authorisation process.
- 6.7. All offers of hospitality, whether accepted or not, should be declared. You are also reminded that, where organisations make inappropriate offers of gifts or hospitality, they should be made aware that such practice is unacceptable and should not be repeated.

## **7. Outside commitments**

- 7.1. Regardless of grade, whether whole or part-time, permanent, temporary, relief or seasonal, you must seek the written permission of, and make a written declaration (an oral declaration is not sufficient) to, your Assistant Director/Headteacher before engaging in any other work or business (\*) which might relate or in any way impact on your duties for the County Council. This includes paid or unpaid work, and will include one off pieces of work as well as regular employment. (Please see Declaration Form in [Appendix 2](#)).
- 7.2. If you are paid at or above NJC Scale 6 (spinal column point 28 and above) / Single Status Grade 9 (spinal point 23 and above) or equivalent, you are specifically required to declare to, and obtain consent from, your Assistant Director/ Headteacher, if you wish to engage in any other business (\*), or take up any additional appointment regardless of whether there is any conflict of interest anticipated. Such consent will not be unreasonably withheld. If your request is approved, the County Council must be mindful of its responsibility under the Working Time Regulations 1998, the Health and Safety at Work Act 1974 and its general responsibilities towards the health of its employees.



- 7.3. You must declare in writing to your Assistant Director any relatives, partners or friends who are engaged in a business (\*), which either currently provides services to the County Council or may do so in the future. In the case of schools based staff, you must declare in writing to your Headteacher any relatives, partners or friends who are engaged in a business (\*), which either currently provides services to your School, or schools with which your school collaborates or is federated to, or may do so in the future. This is in order to minimise the risk of suspicion that some influence may be exerted over a particular customer as to the choice of provider, or that the provider gained advantage in terms of information received.
- 7.4. You must not work privately for personal gain for a service user/pupil for whom you have a service provision role within the County Council unless you have written consent from your Assistant Director/Headteacher. This includes service users or pupils to whom an employee may not personally be giving a service but does receive a service from the County Council. Suitability of such work may depend on the scale of the work, the impact it has on an employee's performance and whether there is any potential for an employee to be perceived as taking advantage of their position to generate the work. This determination lies with your Assistant Director or Headteacher.
- 7.5. If you are permitted to engage in any other business or take up any additional employment, you must not undertake any work in connection with your additional employment in County Council time, or make use of any County Council equipment or facilities. It is the responsibility of each individual employee to declare any additional personal income to Her Majesty's Revenue and Customs (HMRC).
- 7.6. If you have any doubt whatsoever you should make a declaration, so that the County Council can make the judgement as to whether a conflict exists.
- 7.7. The County Council is entitled to ownership of intellectual property e.g. copyright of material created by you in the course of your duties as an employee of the County Council. Please see [Guidance Notes on Ownership of Intellectual Property](#).

(\*) - "engage in any other business" includes roles such as company directorships, company secretaries and so on.

## **8. Personal interests**

- 8.1. Your off-duty hours are your own personal concern. However, you must not put yourself in a position where your job and personal interests conflict.
- 8.2. You must declare in writing any financial or non-financial interests that could in any way be considered to bring about conflict with the County Council's interests. This includes any relationship, discussions or correspondence over any employment or private interests with organisations that may have a past, current or future business connection with the County Council, including but not limited to circumstances where funds are being paid or received by the County Council. If you have any doubt whatsoever you should make a declaration, so that the County Council can make the judgement as to whether a conflict exists (see [Appendix 1: Making a declaration](#)).
- 8.3. You are required to disclose any personal interest that may conflict with the County Council's interests e.g. representative of an organisation which may seek to influence the County Council's policies (see [Appendix 1: Making a declaration](#)).

- 8.4. You must declare in writing any membership of secret societies (see [Appendix 1: Making a declaration](#)). The definition of a secret society is:
- “A lodge, chapter, society, trust or regular gathering or meeting, which:
- a) is not open to members of the public who are not members of that lodge, chapter, society or trust;
  - b) includes, as a requirement of the grant of membership, an obligation on the part of the member to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting and;
  - c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, trust, gathering or meeting.”
- 8.5. A lodge, chapter, trust, gathering or meeting as defined above, should not be recognised as a secret society if it forms part of the activity of a general recognised religion.
- 8.6. You must inform your Assistant Director/Headteacher if you are declared bankrupt or are involved as a Director of a company which is wound up or put into voluntary liquidation, if it may potentially impact upon your role and duties. Bankruptcy may impact on the duties of employees who have a financial responsibility. The purpose of this is to ensure that a proper framework of support is in place.

## **9. Disclosure of information and confidentiality**

- 9.1. It is generally accepted that open government is best. The law requires that certain types of information must be made available to members, auditors, government departments, service users, and the public. In particular, the Freedom of Information Act 2000 gives a legal right of access to information held by the County Council, subject to certain exemptions. You must ensure that you are aware of the [Freedom of Information Policy](#), and guidance for staff issued in relation to this.
- 9.2. No confidential information, politically or commercially sensitive information, or personal information protected by the Data Protection Act should be released to anyone, including County Councillors, without authorisation from your line manager. If you are in any doubt about disclosing information then you are expected to seek guidance from your manager.
- 9.3. Confidential Committee papers must not be released without the consent of the Assistant Chief Executive. In schools, confidential Governor Papers must not be released without the approval of the Governing Body.
- 9.4. You must not use any information obtained in the course of your employment for personal gain nor pass it on to others who might use it in such a way or for any purpose for which it was not originally intended.
- 9.5. Any information which you might receive from a County Councillor/ Governor relating to his/her personal/private affairs and which does not belong to the County Council should not be divulged without the prior approval of that County Councillor/ Governor, except where such disclosure is required or sanctioned by law.

## **10. Appointment and other employment matters**

- 10.1. You must not be involved in the day-to-day line management, appointment, or any other decisions relating to the discipline, promotion or pay or conditions of another employee, or prospective employee, who is a relative, partner or friend. Managers should consider whether their relationship with a colleague may have an impact on their ability to carry out their duties. In schools, staff Governors should not be involved in making decisions about these matters when a colleague is the subject.
- 10.2. If you are responsible for appointing employees, you must ensure that decisions are based on merit and not on anything other than their ability to do the job. Similarly, you must not canvass on behalf of any applicant. (Please see the [Recruitment and Selection Policy](#)).
- 10.3. If you have a connection in a private, social or domestic capacity with someone who also works for the County Council or who sits on a school's Governing Body that may potentially create, or be thought to create, a conflict of interest you need to declare this to your Assistant Director/Headteacher for them to consider.
- 10.4. Employees must inform their manager if they are being investigated by any professional body and any sanction imposed.
- 10.5. If you are in doubt about any of the above, please seek advice from the Personnel Advisory Team.

## **11. Employment after working at the County Council**

- 11.1. The County Council is concerned to safeguard the integrity of the workings of local government and to avoid even the appearance of impropriety among its employees. It is in the public interest that people with experience of public administration should be able to move into business and other bodies. It is also important that whenever a County Council employee accepts a particular outside appointment, there should be no cause for any suspicion of impropriety. The rules set out in [Appendix 4](#) to this Code are aimed at safeguarding both the County Council and individual employees from such criticism or suspicion. The rules apply to appointments in the United Kingdom and across the European Union.

## **12. Criminal offences**

- 12.1. Employees are expected to conduct themselves at all time (inside and outside of work) in a manner which will maintain public confidence in both their integrity and the services provided by the County Council. In general, what an employee does outside work is his/her personal concern, unless those actions would cause a breakdown in the employment relationship.
- 12.2. Employees must inform their manager if they are arrested/convicted/cautioned in respect of any offence as soon as possible. Employees do not need to disclose minor driving offences (such as fixed penalty notices for speeding tickets) unless either:
  - 12.2.1. driving is a key requirement of their role (e.g. they drive County Council vehicles or drive their own vehicle regularly for work); and / or
  - 12.2.2. the conviction results in disqualification from driving.(See the [Safe Use of Motor Vehicles Policy](#) for details.)

- 12.3. Disclosing all convictions does not necessarily mean disciplinary action will be taken against an employee. The extent to which a criminal offence may affect employment depends on whether the conduct:
- Makes the employee unsuitable for their type of work; and/or,
  - May reflect adversely on the County Council's reputation or ability to perform its function.
- 12.4. Employees sentenced to immediate imprisonment may be dismissed without notice or compensation in lieu of notice.
- 12.5. Employees should always notify their manager if there is any doubt as to whether or not they need to share information about an arrest or conviction.
- 12.6. Any failure to disclose such information, even where no charges are brought against you, may lead to disciplinary action. Where it is deemed that there is an adverse impact on your employment, the [Disciplinary Policy](#) will apply.

### **13. Position of trust**

- 13.1. It is the responsibility of all staff to ensure they maintain professional standards and do not abuse or appear to abuse their position of trust in the way they conduct their relationships with service users/pupils/contractors, their families or carers.
- 13.2. Specific examples of conduct which should be avoided include, but are not limited to:
- meeting socially with pupils or service users (or their carers or families); and/or
  - exchanging personal contact details or connecting using social media.
- 13.3. Employees must refrain from conduct of this nature unless there is sound operational reason to do so, in which case the action must only be taken with the express written approval of the employee's Assistant Director/Headteacher.
- 13.4. If employees are engaging in activity or associating with people outside work whose current or past conduct could raise doubts or concerns about an employee's own integrity or ability to be in a 'position of trust' with regard to children or vulnerable adults, this could have a direct consequence on their employment.

### **14. Sponsorship**

- 14.1. When an outside organisation wishes to sponsor or is being asked to sponsor a County Council activity, the basic conventions concerning the acceptance of gifts and hospitality apply. Please refer to the East Sussex County Council's [Corporate Sponsorship Policy](#).
- 14.2. This section on sponsorship is not applicable to schools.

## 15. Relationships

### 15.1. Councillors

Employees are responsible to the County Council through its senior managers, except where a school's Governing Body is the employer. Your role may require you to give advice to councillors and senior managers. 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. It should therefore be avoided.

### 15.2. Contractors

You must declare in writing to your Assistant Director/Headteacher any current or past relationships of a business or private nature with any outside organisation or individual that has a relationship with the County Council (see [Appendix 1: Making a declaration](#)). Orders and contracts must be awarded on merit and no special favour should be shown to any businesses, particularly those you have an interest in. If you have such an interest you must not be involved in any way in awarding work or orders or subsequent management of contracts. Similarly, you must not canvass on behalf of any outside organisation that has a relationship with the County Council.

You must declare in writing to your Assistant Director/Headteacher, if you become aware that the County Council is entering a contract in which you have a direct interest (see [Appendix 1: Making a declaration](#)).

### 15.3. Contract Tenders

If you wish to tender for a contract from the County Council, you must declare such an intention to the appropriate Assistant Director/Headteacher, as soon as intent has been formed, and at the earliest possible opportunity (see [Appendix 1: Making a declaration](#)).

### 15.4. Foster Carers

If you act as a foster carer for the County Council or any other agency you must declare this (including the intention to do so if you are not already a foster carer) in writing as a potential conflict of interest (see [Appendix 1: Making a declaration](#)).

### 15.5. The Press and Media

You must not deal direct with the press or the media in relation to anything related to County Council business unless required to do so as part of your duties, or you have been expressly authorised by your line manager in consultation with your Assistant Director/Headteacher.

If you speak as a private individual directly to the press or at a public meeting or other situation where your remarks may be reported to the press, you must take reasonable steps to ensure nothing you say might lead the public to think you are acting in your capacity as a County Council employee.

### 15.6. The Local Community and Service Users

You must always remember your responsibilities to the community which you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the County Council.

## **16. Approvals**

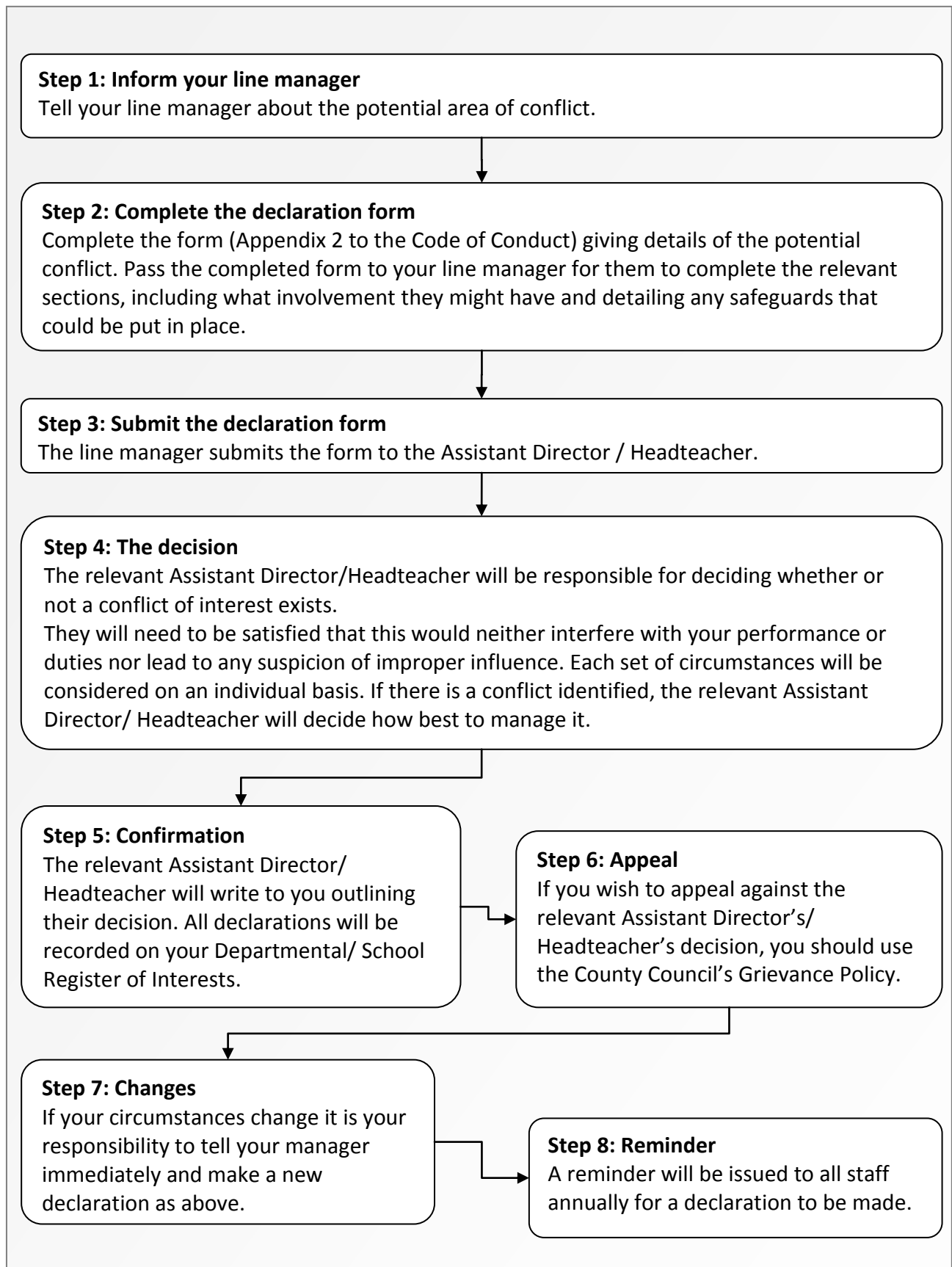
- 16.1. Where Assistant Directors, Deputy Chief Officers, and Chief Officers require approval or notification under the Code then this shall respectively be obtained from the appropriate Deputy Chief Officer, Chief Officer, or the Chief Executive. The Chief Executive shall obtain approval or notify either the Monitoring Officer, or the Section 151 Officer.
- 16.2. Where the Headteacher requires approval or notification under the Code then this shall be obtained from the Chair of Governors.

## **17. If in doubt**


- 17.1. It is not possible to cover every situation you may face as an employee of the County Council. Simply because a particular action may not be addressed within the Code, this does not condone that action by omission. If you are in any doubt about anything contained within this Code, or are concerned about anything relating to your personal position, you should speak to your line manager immediately. Where necessary, line managers should seek advice from their Assistant Director/ Headteacher.

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## Appendix 1: Potential Conflicts of Interest



## Appendix 2: Declaration form

<b>Declaration form for conflict of interests</b>			
<p>This form will be given to the appropriate Assistant Director or Headteacher who will need to be satisfied, in giving their consent that the declaration would neither interfere with the employee's performance or duties nor lead to any suspicion of improper influence. Each set of circumstances will be considered on an individual basis.</p>			 <p>East Sussex County Council eastsussex.gov.uk</p>
Employee's name			
Employee's job title			
Department and/or school		Working location:	
Manager's name			
Do any of the following apply to this role?	LMG Manager		Legal Services Officer
	Non-LMG Manager		Procurement Officer
	Finance Officer		
<b>Part 1 – to be completed by the employee</b>			
Please outline your declaration OR state 'Nil Return' below. It is then your responsibility to pass this form to your line manager for his or her comments.			
Employee's signature		Date	
<b>Part 2 – to be completed by the employee's line manager</b>			
Please detail any supporting information with regard to your member of staff's declaration. This should include your views and comments, what involvement you anticipate having and detailing any safeguards that could be installed. Please also include the views of your manager if appropriate.			
Line manager's signature		Date	
<b>Part 3 – authorisation by the Assistant Director</b>			
Authorised? (delete as appropriate) Yes No			
Additional comments			
Authoriser's signature		Date	


On completion by the line manager of a **Positive return**, return this form in an envelope marked 'Private and Confidential' to the relevant Assistant Director or Headteacher.

On completion by the line manager of a **nil return**, return this form to your Departmental Coordinator or Headteacher as outlined below.

Adult Social Care	Kirstie Battrick	Governance Services	Caroline Hodge
Children's Services	Flis Wright	Communities, Economy & Transport	Jasmin Carcary
Business Services	Clare Dann	Chief Executive's Office	Caroline Hodge
Schools	Headteacher	Public Health	Tracey Houston



## Appendix 3: Declaration of gift or hospitality

<b>Declaration Form for gift or hospitality</b>		 East Sussex County Council eastsussex.gov.uk	
Once you and your Manager have signed this form, you need to send it in an envelope marked 'Private and Confidential' to your Assistant Director or Headteacher.			
Employee name			
Employee job title			
Team and/or department and/or school name			
Manager's name			
<b>Part 1 – to be completed by the employee</b>			
I have been offered the following gift / invited to the following: (Where relevant, include details of what has been offered, reason for offer, place, date and time of the event, likely business benefits and frequency of the event.)			
Estimated value			
Offered to me by			
Delete as appropriate: The gift/hospitality offered was not accepted I wish to accept the offer of hospitality for the following reasons:			
Employee's signature		Date	
<b>Part 2 – authorisation by the Assistant Director</b>			
Authorised? (delete as appropriate) Yes No If authorised, please record why it is acceptable:  If authorised, are the costs being met in full by the Council? If not, please detail and explain why:			
Authoriser's signature		Date	

This declaration will be entered into the School's/Department's Register of Gifts and Hospitality which is available for inspection by the public.

## Appendix 4: Employment after working at the County Council

1. In order to safeguard the integrity of the administration of the County Council, and in order to counter any suspicion of impropriety in, among other things, the contracting process for local authority works and services, the County Council requires each of its employees to obtain the approval of their Chief Officer/Headteacher before accepting any offer of employment in business or other bodies outside the County Council which would commence within six months of leaving the employment of the County Council, whether full or part-time, or before establishing a consultancy in the following circumstances:
  - a. If you have had any material official dealings with your prospective employer (who, for the purpose of applying any of the clauses of these rules could be any organisation, individual or related undertaking including parent and subsidiary undertakings and associated undertakings as well as partners in joint ventures) during the last two years of employment with the County Council; or
  - b. If you have had any material official dealings of a continued or repeated nature with your prospective employer during the last two years of employment with the County Council; or
  - c. If you have had access to commercially sensitive information of competitors of your prospective employer in the course of your official duties; or
  - d. If you have been substantially involved in negotiations on behalf of the County Council in respect of any commercial or contractual arrangements with an external body or party; or
  - e. If, during the last two years of your employment with the County Council your official duties have involved advice or decisions benefiting that prospective employer, for which the offer of employment could be interpreted as a reward, or if your official duties have involved developing policy, knowledge of which might be of benefit to the prospective employer; or
  - f. If you are to be employed on a consultancy basis, either for a firm of consultants or as an independent self-employed consultant, and you have had any dealings of a commercial nature with outside bodies or organisations in your last two years of employment with the County Council.

Chief Officers to whom the rules apply are required to obtain approval from the Chief Executive. The Chief Executive will need to obtain approval from the Governance Committee in the event that s/he proposes to take up an appointment which would lead to the rules applying to him/her. Headteachers to whom the rules apply are required to obtain approval from the Chair of Governors.

2. Approval for appointment to any position falling within the scope of these rules shall not be withheld unreasonably. In considering whether to approve an appointment, the Chief Officer/Headteacher will take into consideration the following matters:
  - a. The relationship of the County Council to the prospective employer;
  - b. The relationship between the applicant and the prospective employer during the course of the applicant's employment with the County Council;
  - c. The possibility that the applicant may have had access to trade secrets and/or confidential information about one or more of the prospective employer's competitors during the course of employment with the County Council;
  - d. The applicant's degree of seniority within the County Council; and / or
  - e. Any other relevant factors.
3. It will be open to those considering applications to recommend unqualified approval or to recommend approval subject to any waiting periods less than two years or other conditions which are appropriate to the particular circumstances of the applicant (e.g. seniority of the employee and the prospective employer).

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## **Appendix 5: Frequently Asked Questions**

### **What is a conflict of interest?**

A conflict of interest arises when a person's private or personal interests could be perceived to be able to influence or potentially influence a person's official responsibilities.

### **What should I do if I think there is a potential conflict of interest?**

Inform your manager of the potential conflict and ensure you immediately complete the conflict of interest declaration form in Appendix 2. If in doubt – declare it.

If the conflict concerns relationships between members of staff **all** parties must complete the declaration form.

### **What action should my manager take?**

Your manager should ensure that:

- You do not directly supervise or that you are not directly supervised by anyone where there may be a potential conflict of interest.
- You do not have any Council business involvement with the declared conflict of interest, such as outside parties or specific contracts.
- Any claim forms you may submit e.g. travel, additional hours etc. or any invoices, orders or contracts are not authorised by anyone where there may be a potential conflict of interest.
- Any specific one-off requests are agreed by a neutral party.

### **What if someone I know applies for a job?**

If you receive a job application from someone who is known to you, you should:

- Ensure you are not involved in any part of the selection process. This includes short listing, interview process, reference requests and decisions to appoint.
- If the person is successful you must declare the relationship and agree any necessary measures that need to be put in place, ideally prior to their commencing employment.

### **What should I do if I'm not sure whether there's a conflict of interest?**

If you have any doubts as to whether a potential conflict of interest exists always talk to your manager about it.

## Appendix 6: Equality Impact Assessment Summary

**Date of assessment:** 15<sup>th</sup> August 2011

**Manager(s) name:** Greg Nicol

**Role:** Head of Personnel Advisory Service

**Proposal, project, service, strategy or policy, that was impact assessed:**

Code of Conduct and Conflict of Interest Policy

**Summary of findings:**

This policy does not discriminate against any group. Potential barriers concerning the accessibility of the policy are mitigated by employees being able to request the policy in different formats and having the policy printed for them by a manager with access to a computer/intranet.

**Summary of recommendations and key points of action plan:**

-

**Groups that this project or service will impact upon**

Please mark the appropriate boxes with an 'x'

	Positive	Negative
Age		
Disability		
Ethnicity		
Gender/Transgender		
Marital Status/Civil Partnership		
Pregnancy and Maternity		
Religion/Belief		
Sexual Orientation		
Other (carers, literacy, health, rurality, poverty)		
All	X	