

Conflicts of Interest

Last updated: 4 March 2015

All staff are responsible for ensuring that there is no conflict of interest between their interests outside work and their role at the Department and that they do not bring Defra into disrepute. Outside interests, be they business, hobby or trade must not compromise or conflict with employment within Defra. In particular:

- a. Staff must not misuse information which they acquire in the course of their official duties, nor without authority disclose official information which has been communicated in confidence within Government, or received in confidence from others. They must not seek to frustrate the policies, decisions or actions of Government either by declining to take, or abstaining from, action which flows from ministerial decisions or by unauthorised, improper or premature disclosure outside the Government of any information to which they have had access as civil servants;
- b. Staff must not take part in any political or public activity which compromises, or might be seen to compromise, their impartial service to the Government of the day or any future Government;
- c. Staff must not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others. Conflicts of interest may arise from financial interests and more broadly from official dealings with, or decisions in respect of, individuals who share a civil servant's private interests (for example freemasonry, membership of societies, clubs and other organisations, and family). Where a conflict of interest arises, staff must declare their interest to senior management so that senior management can determine how best to proceed; and
- d. Staff must not receive gifts, hospitality or benefits of any kind from a third party which might be seen to compromise their personal judgement or integrity.

Staff must inform their manager immediately when an outside activity or interest arises that has the potential to create a conflict with the work they do in the Civil Service.

Managing declared conflicts

Action must be taken on receipt of a declaration to identify and mitigate any risks.

The Code of Conduct says conflicts must be declared to Directors but Line Managers do have a part to play in advance of any declaration being declared.

Line Manager Role

Line Managers must ensure that members of their team are fully aware of the requirement to declare all potential conflicts of interest involving them or close relatives.

Managers are responsible for:

- complying with the policy with respect to their own conflicts and potential conflicts of interest;
- facilitating the compliance of those they supervise by:
 - being aware of the risks of conflicts inherent in the work of the staff they manage
 - making staff aware of the policy and procedures for complying with it
 - recording the receipt of disclosures of conflicts of interest reported to them by staff
 - advising staff about appropriate ways to manage conflicts
 - assisting staff who disclose conflicts in preparing management strategies
 - monitoring the work of staff and the risks they are exposed to.

Director Roles and Responsibilities

Where a conflict of interest has been declared the Director must ensure that a risk assessment is undertaken. This should look at the potential impact the interest might have on the work of the employee is undertaken. The following factors need to be considered:

- Relationship to the outside Interest
 - Does the employee own the interest?
 - Is the interest owned by the immediate family?
 - Is the interest owned by extended family, friends or neighbours?
- Business Area/Administrative Responsibility
 - Does the person declaring a business interest occupy a sensitive post?
 - Is the person declaring a business interest in a position where they could influence financial transactions/decisions?
 - Is the person declaring a business interest in a position where they could influence their own outside interest?

- Does the person declaring the interest have direct contact with customers or suppliers?

Using the above criteria the Director, in consultation with the appropriate manager(s) will have to make a risk assessment and decide which one of the following options apply:

- Low risk - The interest is on record but no further action is required, whilst the employee is in their current position and grade. The risk is considered very low because the Director is satisfied that the employee does not have any opportunity to influence financial transactions or decisions. The risk should be re-assessed annually at minimum.
- Medium risk - The Director has determined that there is limited potential for the employee to influence financial transactions/decisions or that they could influence their own outside interest in some other way. The Director needs to consider whether any changes to the employee's duties and responsibilities are required or whether the risk can be mitigated by documented and regular management checks.
- High risk – The nature of the employees' work means that they have a lot of potential to influence financial transactions/decisions relating to their outside interest or their work enables them to influence the interest in some other way. For conflicts of interest that are considered to be high risk the Director must consider whether the matter needs to be escalated further and consideration should be given to whether any changes to the employees' duties/responsibilities are required or whether the risk can be mitigated by documented and regular management checks.