



FIRE & RESCUE SERVICE

Declaration of Interests, Gifts, Hospitality and Sponsorship Policy

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1 PURPOSE

The purpose of this Declaration of Interests, Gifts, Hospitality and Sponsorship Policy is to set out the procedures which must be followed when an employee wishes to pursue an outside interest, or when offers of gifts, hospitality and sponsorship are made to staff. The aims of this policy are:

- To ensure that employees of the Authority are aware of their responsibilities in relation to the declaration of interests, gifts, hospitality and sponsorship.
- To ensure that the private interests of employees do not impair their ability to act in the best interests of the Authority.
- To ensure that the Authority acts properly, fairly, impartially and without unfair or unlawful discrimination in all its dealings and is seen to be doing so.
- To protect the reputation of the Authority and its staff.
- To ensure that the highest standards of public service are maintained.
- To ensure that public funds are used in a responsible and lawful way and the community receives value for money from the use of those funds.

The reputation of the Authority depends largely on the conduct of its employees and what the public believes about their conduct. Confidence in the integrity of the Authority and its staff will be diminished if there is any suspicion that they could have been influenced in any way by any improper motive.

As a public service, the Authority expects a standard of conduct from its workforce which reflects the principles set out by the Nolan Committee on Standards in Public Life. These Seven Principles of Public Life, set out in section 28(1) of the Localism Act 2011, are the foundation of the principles set out in the Core Code of Ethics for Fire and Rescue Services (England). All employees should ensure that they:

- Take decisions solely in terms of the public interest, not to gain financial or other material benefits for themselves, their family, or their friends.
- Do not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- Are objective in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits. Holders of public office should make choices on merit.
- Are as open as possible about all the decisions and actions that they take.
- Are accountable for their decisions and actions to the public and submit themselves to whatever scrutiny is appropriate to their office.
- Declare any private interests relevant to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- Promote and support these principles by leadership and example.

Staff must never offer or accept anything of value in order to influence a business decision or be seen to do so. It is a serious criminal offence for any public servant to accept money or any other form of inducement as a reward for doing or not doing something or showing favour or disfavour to any person or organisation. As such, no preferential treatment or

consideration is to be given to a sponsor or person offering a gift or hospitality, and there must be no conflict with the interests of the Authority.

All members of staff are responsible for protecting and upholding the ethics and integrity of the organisation and must ensure they do not place themselves in a position where their duty and private interests may conflict. This policy therefore applies to all permanent staff (including those on secondment from other agencies / organisations and interim staff), agency staff, volunteers and contractors of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (“the Authority”), regardless of their duty system, contracted hours, working pattern or role.

If you are faced with a compliance concern, this policy should provide you with easy-to-understand information to guide your decisions but is in no way exhaustive. If you have any questions or need any guidance, please speak to your line manager or the Monitoring Officer. If there is any doubt, you should always err on the side of caution and make a declaration.

2 KEY INFORMATION

2.1 Declaration of Interests

Colleagues are not to allow their personal interests to come into conflict with those of the Authority and are to avoid situations that may lead others to question their objectivity. Conflicts of interest may arise in relation to:

- Outside employment, including self-employment and consultancy work
- Membership of an advisory board or board of directors, or equivalent fiduciary roles for a charitable, not-for-profit, religious or sociable organisation
- Unpaid professional activity for any entity that has a relationship with the Authority
- Financial interests or investments
- Relationships with Government or other officials who have influence over matters affecting the Authority’s business

The Authority is required to have checks in place to ensure that such conflicts of interest do not arise through the other business interests or secondary employment of their staff. Members of staff are therefore required to disclose if they have a disclosable pecuniary interest, other pecuniary interest or non-pecuniary interest in any business of the Authority if they are in a role where they are asked to advise on the decisions of the Authority or have delegated authority to make decisions on its behalf. A Register of Interests will be maintained which will record the existence and nature of any interests disclosed. Relevant interests should also be disclosed when speaking at meetings or corresponding with colleagues on related topics.

However, where a member of staff has an interest in any business of the Authority which would otherwise be a disclosable pecuniary interest, but by virtue of its sensitivity, details of the interest are not registered in the Authority’s published Register of Interests, they need not disclose the nature of the interest when speaking at meetings etc. more information about this scenario is provided later in this document.

2.1.1 Disclosable Pecuniary Interests

A disclosable pecuniary interest in any business of the Authority exists if it falls into one of the categories set out below and is either an interest of a member of staff, or an interest (of which the member of staff is aware) of their spouse, civil partner or a person they are living with as a spouse or civil partner (hereinafter referred to as “a relevant person”).

A disclosable pecuniary Interest is an interest which relates to or is likely to affect:

- (a) Any employment, office, trade, profession or vocation carried on by a member of staff or a relevant person for profit or gain.
- (b) Any payment or provision of any other financial benefit (other than from the Authority) made or provided in respect of any expenses incurred in carrying out duties as a member of staff of the Authority. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (c) Any contract for goods, services or works which has not been fully discharged between a member of staff or a relevant person and the Authority or a body in which they have a beneficial interest.
- (d) Any tenancy where, to the member of staff's knowledge, the landlord is the Authority, and the tenant is a body in which the member of staff or a relevant person has a beneficial interest.

Disclosable pecuniary interests include:

- Any employment or office held, or trade, profession or vocation carried out for profit or gain.
- Any contracts between the Authority and an employee or their partner.
- Any current lease or tenancy that an employee of their partner has with the Authority.

If a member of staff has a disclosable pecuniary interest in a particular decision or function, then:

- (a) The decision will not be made, or the function exercised, by them personally but will be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.
- (b) They are not to seek improperly to influence the decision or the exercise of that function.

2.2.1 Other Pecuniary Interests

A member of staff will have a pecuniary interest in any business of the Authority where it relates to or is likely to affect:

- (a) Any person or body who employs or has appointed them
- (b) Any contract for goods, services or works made between the Authority and the member of staff, or a firm in which they are a partner, or a company of which they are a remunerated director, which has been fully discharged within the last 12 months

If a member of staff has another pecuniary interest in any business of the Authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest:

- (a) The decision will not be made, or the function will not be exercised, by them personally but will be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.
- (b) They are not to seek improperly to influence a decision about that the exercise of that function.

2.1.3 Non-Pecuniary Interests

A member of staff will have a non-pecuniary interest in any business of the Authority where it relates to or is likely to affect:

- (a) Any body of which they are a member or in a position of general control or management.
- (b) Any body:
 - (i) Exercising functions of a public nature,
 - (ii) Directed to charitable purposes, or
 - (iii) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which they are a member or in a position of general control or management.
- (c) The interests of any person from whom they have received a gift or hospitality with an estimated value of at least £50.
- (d) A decision in relation to that business which might reasonably be regarded as affecting their wellbeing or the wellbeing of a relevant person to a greater extent than most other council taxpayers, ratepayers or inhabitants of Greater Essex.

Even when authorised to pursue outside interests, staff must refrain from progressing personal matters or their private business or voluntary sector interests during working time or using Authority equipment or resources. When undertaking any authorised outside employment, staff should also be careful to follow the Authority's rules on the ownership of intellectual property. More detail is available if required from either the Monitoring Officer or Human Resources.

Permission for individuals to continue with a business interest whilst on long-term sick leave (for a period of 28 days or more) or on recuperative duties will usually be suspended. Permission will be reinstated (if appropriate) when the individual returns to work. Individuals on restricted duties and working full hours required by their employment terms may continue with their declared business interest.

2.2 Gifts

As a general rule, employees should not accept personal gifts from contractors, service users or outside suppliers, although acceptance of insignificant items of token value such as pens, diaries or calendars is permissible. You should not accept any gift that you suspect is an inducement or reward, is of significant or excessive value, or which could be

misinterpreted. For example, it would be inappropriate to accept a gift from a company with which the Authority has a contract immediately prior to the renewal of that contract.

All offers must be included in a register, including a description of the offer, an approximate financial value and whether the offer has been accepted or refused. A redacted version of the register must be open to public inspection.

If there is any doubt regarding the appropriateness of accepting any gift you may be offered, you should politely decline, and inform those making the offer about the basic conventions that apply to the acceptance of such.

2.3 Hospitality

There is no objection to staff receiving certain types of hospitality that may be expected in the normal course of their duties, for example:

- Civic hospitality provided by another public authority.
- Refreshments or modest working lunches provided at a meeting in the course of an individual's work as an employee.
- Tickets to events which are sponsored / promoted by the Authority, or to which an employee has been appointed by the Authority.

Employees must only accept offers of hospitality beyond this where there is a genuine need to impart information or to represent the Authority in the community, or as part of its service or corporate activities. You should not accept any hospitality that you suspect is an inducement or reward, is of significant or excessive value, or which could be misinterpreted (for example, because it is from a party to a competitive tendering or other procurement process, an applicant for a grant, or a party involved in legal proceedings with the Authority).

Any offer of hospitality with a value of £50 or more, or series of hospitality from the same or an associated source with an estimated cumulative value of £100 or more, whether accepted or not, must be recorded in the corporate register through the procedure set out below.

2.4 Sponsorship

2.4.1 Accepting Sponsorship

Any accepted offer of sponsorship must be incidental to the Authority's statutory duties. That is to say, whilst such offers may enable the Authority to do things it could not otherwise afford, or to release resources for other uses, they must not be a substitute for expenditure which the Authority must incur in order to fulfil its statutory obligations.

Acceptance of an offer must in no way be construed as an endorsement of a particular product. If a company, having had an offer accepted, wishes to publicise the fact in its advertising material, it must seek the prior approval of the Chief Fire Officer / Chief Executive. The sponsorship of events, however, may be acknowledged in programmes.

Offers must not be accepted where there would be an association with products which the Authority is likely to consider unacceptable or inappropriate, for example, incendiary equipment.

2.4.2 Providing Sponsorship

Where consideration is being given to the Authority sponsoring an event or service, the agreement of the Chief Fire Officer / Chief Executive must be obtained in advance.

3 KEY ROLES AND RESPONSIBILITIES

- It is the duty of all managers to make their staff aware of this policy and to bring to the notice of the HR service, as a potential disciplinary matter, any reasonably suspected breach of this policy.
- Individual members of staff are personally responsible for their decisions relating to their outside interests and the acceptance of any gifts, hospitality and sponsorship, and for avoiding the risk of any damage to public confidence in the fire and rescue service that may result from this. Staff should also keep their declarations of interest under review and make any necessary updates to their declarations in the event of their circumstances changing (for example, in the event of them ceasing to undertake additional employment and / or a business interest that has previously been approved).

4 KEY PROCEDURES

4.1 Declaration of Interests

All staff are required, either within 28 days of their appointment, or at the earliest opportunity on becoming aware of the interest, to register details of:

- (i) Any disclosable pecuniary interests they have in the business of the Authority
- (ii) Any other pecuniary interests they have in the business of the Authority
- (iii) Any non-pecuniary interests they have in the business of the Authority

4.1.1 Business Interests and Additional Employment

As set out in the Code of Conduct, all relationships of a business or private nature with external contractors or potential contractors must be made known to the employee's manager who will take advice on the implications.

In order to meet its obligations under the Working Time Regulations 1998, the Authority also needs to ascertain from the individual whether their business interest activity may be regarded as working time for the purposes of determining aggregate working time. This is because the provisions of the Working Time Regulations are not limited to working time with one organisation. Any individual with an external business interest is therefore required to provide information concerning the nature, duration and time spent on any extra work

undertaken so that the Authority can assess whether such work combined with the individual's normal scope of duties conflicts with the Working Time Regulations.

All staff who are intending to undertake (or retain on appointment) additional employment and / or relevant business interests must complete the application form attached at Appendix 1. The form should be submitted to the individual's line manager who will provide a recommendation to their line manager (the "grandparent) as to whether the application should be approved or not. Both approvers will consider whether the additional employment / business interest is compatible or incompatible with the applicant's work on behalf of the Authority. The applicant will then be notified in writing of the decision, including any conditions that apply to any permission granted, any monitoring arrangements put in place and when the position will next be reviewed. The decision will be communicated to the applicant as soon as reasonably practicable, and in any event within 28 days of receipt.

Consideration of the application will take into account the nature of the business interest and the aggregated number of hours required to fulfil it, along with the individual's role within the fire and rescue service. Authority staff may be permitted to undertake additional employment where this does not conflict with the interests of the Authority and is not considered to put the health and safety and / or welfare of the individual at risk. Where there is a concern on health and safety grounds relating to the efficiency and / or wellbeing of the individual, the interest may be limited or excluded as a result. Outside employment which conflicts with the Authority's interests will not be authorised. In particular, competing careers or business interests that interfere with an individual's ability to perform their role will not be considered appropriate.

Staff involved in commissioning / procurement, grant giving and / or in the authorisation of payments to staff or suppliers must ensure that they use any 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 any legal challenge to the Authority. Such staff must be conversant with the Authority's Financial and Procurement Regulations and ensure fairness and impartiality when dealing with all suppliers, contractors, applicants and tenderers, in accordance with these regulations. No favour must be shown during the tendering or application process to businesses or organisations in which the employee has any financial or controlling interest or which is run by anyone with whom the employee has any form of business or personal relationship, and any such relationship must be declared. If any ongoing management of grants or contracts already awarded or involvement in payment to contractors may be similarly affected, the employee should consult their line manager in the first instance.

4.1.2 Personal Relationships

Any employees who are in a relationship which could be considered as presenting a conflict of interest, or impacting on the delivery of their role, should declare a non-pecuniary interest to their line manager. Close personal relationships may include (but are not limited to) those between members of the same family and those connected via marriage or similar relationships.

As set out in the Code of Conduct, any close personal relationship between colleagues will be risk assessed, and consideration given to any circumstances whereby one of the individuals has:

- Supervisory / management responsibility for the other
- Access to confidential and / or sensitive information
- Access to certain resources or can influence decision making which may affect the other.

Following completion of a risk assessment, it may be necessary to take proportionate action, in consultation with the employees concerned, to ensure there is no breach of the Authority's policies. However, ultimately, it is the responsibility of each employee to ensure that no conflict develops or arises from their personal relationships, and they must take reasonable steps to avoid any such conflict. For example, no member of staff is to be involved in any decisions relating to the discipline, access to training, promotion, appraisal or pay, or the consideration of any complaints or grievances against any other employee who is a relative or partner or theirs, or with whom they have any other close personal relationship.

4.1.3 Membership of Private Organisations and Secret Societies

In order to avoid any perceived conflicts of interest, employees who are members of any organisation which is not open to the public without formal membership and commitment of allegiance, and which has secrecy about rules of membership or conduct, are required to declare an interest.

4.1.4 Consideration of Requests

Whilst each case should be considered on its own merits, several factors covering the following areas must be taken into account in determining whether to approve an application for a business interest or additional occupation:

- Impartiality – This relates to the risk of the business interest interfering with an individual's ability to discharge his or her duties impartially, or the extent to which the public would be likely to perceive or form an impression that it would so interfere. Considerations might include:
 - Whether the activity is one regulated by the Authority
 - Whether the business interest is merely an extension of an individual's duty or the extent to which training, skills and experience provided by the Authority are to be relied upon
 - Whether the applicant's position within the Authority could be used to promote the business or a product of the business or would allow other organisations or commercial interests to do so
 - Whether the applicant's fairness or impartiality in their dealings with the public or colleagues might be compromised
- Any likely impact on the service provided to the public - This relates to the risk of the business interest either discrediting the Authority or undermining confidence in the Authority. Considerations might include:
 - The nature of the business interest - how reputable it is in its own right in the eyes of the public and in association with the fire and rescue service.

- Whether the activity could lead to the public losing confidence in the honesty and integrity of the individual or of the Authority, or if it would be likely to cause confusion in the minds of the public as to whether the individual was operating in an official or unofficial capacity.
- Where the activity could lead to the individual being improperly beholden to any person, organisation, or institution.
- Whether the business interest could lead to conflicting contractual commitments to a third party, e.g. providing advice to a training company which is then contracted to work for the Authority.
- The applicant's current performance - This relates to the risk of a decline in performance of the applicant, coupled with evidence as to the applicant's current suitability through performance monitoring. Unsatisfactory attendance and misconduct should not necessarily be a reason for refusal unless either has a direct bearing on the business interest. An example of a business interest that may be accommodated with performance issues might be allowing the applicant to operate a rental accommodation that provides additional income without incurring additional work pressures. If, however, it is considered that any misconduct or performance issue relates directly to the business interest, permission may be rejected, modified or withdrawn.
- Proportionality – in relation to seniority and role. The decision maker should reflect on the nature of work carried out by the applicant and the public impact of their proposed business interest prior to making a decision. There should be no “one size fits all” approach to decision-making on business interests.
- Equality and diversity – Decisions taken on business interests must take full account of equality and diversity considerations. All decisions must be justified by reference to relevant equality legislation and the duty on fire and rescue services under the Equality Act 2010 to actively promote equality.
- Health, safety and well-being - This relates to the duty of care to the individual and the risk of injury or increased stress and fatigue which could impact on the applicant's ability to perform their duties to a satisfactory standard. As part of any consideration of a business interest, it is essential to consider the total number of hours an applicant will be working, alongside the duty to protect their health and safety and to ensure that the total demands of the jobs do not pose a risk to the health of the applicant or his or her ability to work safely, either as an individual or part of a team, or to the health, safety and wellbeing of any non-employees who may be affected by his or her acts or omissions.

Requests will be considered in a flexible manner and, wherever possible, reasonable applications will be allowed. Decision makers should start from the presumption that an application for a business interest or additional employment should be granted once they are satisfied that there are no adverse reputational matters or conflicts with the values and ethos of the Authority and have determined whether any conditions may need to be applied to such permission in order to ensure this.

When considering whether a potential business interest of a staff member is compatible with the individual's employment by the Authority, if the answer to any of the following criteria is “yes”, the business interest will not generally be allowed:

1. Is the member of staff, or any member of their immediate family cohabiting with them, engaged in any business, paid, or voluntary activity that may conflict with the interests of the Authority?
2. Is the member of staff a member of any of the following, non-exhaustive list of organisations *and*, if so, does any element of 3. to 6. apply in respect of their membership of those organisations?
 - A body to which the member of staff has been appointed or nominated by the Authority.
 - A public authority or body exercising the functions of a public nature.
 - Industrial and provident, or co-operative societies.
 - Charities (or bodies directed to charitable purposes).
 - Private clubs or secret societies.
 - Bodies whose principal purposes include the influence of public opinion or policy, such as local or national pressure groups or lobbying organisations.
 - Trade unions or professional associations.
 - School governing bodies.
3. Does the business interest interfere with their ability to perform their duties for the Authority?
4. Is the business interest in direct competition with the business strategy of the Authority?
5. Does the member of staff hold any beneficial interest in land owned by or included within the Authority's estate?
6. Does the business interest involve the member of staff or any immediate family member bidding for or gaining a grant / contract / subcontract for goods or services with the Authority?

The criteria above are not intended to be exhaustive as cases may arise which would require further issues to be considered but should be used as a general guide to whether business interests are compatible with the individual's employment by the Authority.

4.1.5 Appeal Process

When an application is refused, the staff member has a right of appeal. Where the staff member wishes to appeal, he / she may do so by giving notice in writing, together with copies of the case documentation, to the SLT representative within their reporting hierarchy within 10 working days of receiving notice of the decision, or within such longer period as their SLT representative may allow. Any extension of time should be sought from, and approved by, the SLT representative within the initial 10-day period.

If an appeal is lodged, the SLT representative will require the final decision maker to submit, within 10 working days, full reasoning for the decision, together with copies of any supporting documentation. The SLT representative will thereafter give the individual opportunity to provide his / her written comments within a further 10 working days, before determining whether the additional employment / business interest is compatible or incompatible with the individual's role within his / her office. Their decision will be final and will be retained on the individual's personnel file.

Where the relevant SLT representative was the decision maker in the case, the appeal is to be submitted to the Chief Fire Officer / Chief Executive.

Where the Chief Fire Officer / Chief Executive was the decision maker in the case, the appeal is to be submitted to the Monitoring Officer.

4.1.6 Register of Interests

Once the final decision is made, it is to be notified by the decision-maker to Corporate Services at Service Headquarters, who will maintain a corporate Register of Interests. Entries in the corporate register relating to the Principal Officers of the Authority will be made available for inspection by the public.

Where an employee considers, and the decision-maker agrees, that the nature of the declarable interest is such that disclosure of the details of it could lead to a breach of the Official Secrets Act 1989, a risk to national security or a risk to the personal security of the employee or a person connected with them, it shall be treated as a “sensitive interest” and the details shall not be recorded in the corporate Register of Interests, but instead held in a confidential register maintained by the Monitoring Officer that may only be viewed by an officer authorised in writing by the Chief Fire Officer / Chief Executive on a strict “need to know” basis.

4.2 Gifts

Members of staff are required, within 28 days, to notify hospitality.gifts@essex-fire.gov.uk in writing of any gift with a value in excess of £50 which they have been offered in a professional capacity from any person or body other than the Authority, providing details of:

- What the gift was
- Who it was from
- Whether it was accepted or declined
- If accepted, the reason / justification for acceptance
- Estimated value

These details will then be recorded in a gifts and hospitality register maintained by Corporate Services at Service Headquarters.

4.3 Hospitality

Acceptance of any kind of hospitality should be properly authorised and recorded in a gifts and hospitality register maintained by Corporate Services at Service Headquarters.

In each case, the level of authorisation required for acceptance of hospitality will need to be considered. For example, low value, non-contentious offers of hospitality may be authorised by the Station Manager. However, hospitality with a significant value and / or likely to attract public interest will need to be authorised by a member of the Senior Leadership Team (SLT).

Whenever hospitality is offered, it should be reported to hospitality.gifts@essex-fire.gov.uk providing details of the following:

- A description of the hospitality
- Who it is from
- The member of staff accepting the hospitality
- The member of staff authorising the hospitality
- Estimates value

Those offered and authorising the acceptance of hospitality should be particularly sensitive to its timing in relation to decisions which the Authority may be taking that could impact upon those providing the hospitality.

4.4 Sponsorship

Where an outside organisation wishes to sponsor an Authority activity, the same conventions concerning the acceptance of gifts and hospitality apply. As such, acceptance of any kind of sponsorship should be properly authorised and recorded in a gifts and hospitality register maintained by Corporate Services at Service Headquarters.

In each case the level of authorisation required for acceptance of sponsorship will need to be considered. For example, simple sponsorship of a local idea, such as a flower box at a fire station, may be authorised by the Station Manager. In contrast, sponsorship with a service-wide remit will need to be authorised by a member of the Senior Leadership Team (SLT).

Whenever sponsorship is offered, it should be reported to hospitality.gifts@essex-fire.gov.uk providing details of the following:

- What has been sponsored.
- The person / organisation providing the sponsorship.
- The member of staff accepting the sponsorship.
- The member of staff authorising the sponsorship.
- Estimated value.

Any sponsorship authorised and accepted must be related to the service or corporate activities and never for personal benefit only. Care must be taken when dealing with contractors or potential contractors.

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

5. CONSEQUENCES OF NON-COMPLIANCE WITH THIS POLICY

It is important that the Authority is able to manage effectively any real or potential conflicts of interest. Not only can conflicts bring decision-making into disrepute but often the perception of conflict alone can cause concern and lead to reputational damage, including undermining public confidence. Failure to recognise and declare relevant interests may give the impression that the organisation or individual is not acting in the public interest. If left unresolved, conflicts of interest can lead to criminal consequences. There is also a potential risk of legal challenge to Authority decisions where a decision-maker has a conflict of interest, especially where that conflict is not acknowledged or declared.

Where a member of staff is found to have an undeclared or refused interest, this will be investigated and may be considered a breach of the Code of Conduct which could result in disciplinary action. Failure to comply with any conditions placed on the exercise of an outside interest may also render the employee liable to disciplinary actions, and could also give rise to criminal liability, both at common law and under statute. Where any criminal offence is suspected, this will be reported to the police.

6 MONITORING AND ASSURANCE

The policy will be reviewed as required, for example to reflect any relevant changes in legislation, NFCC guidance or best practice.

Scrutiny over the decisions made under this policy (including the number of declarations made and approved / refused, along with the rationale for doing so) will be exercised at least annually by the Service Leadership Team, to ensure compliance, consistency and fairness.

7 RELATED LEGISLATION

As set out in section 4.1.1 above, in order to meet its obligations under the Working Time Regulations 1998, the Authority needs to ascertain from the individual whether their business interest activity may be regarded as working time for the purposes of determining aggregate working time. Any individual with an external business interest is therefore required to provide information concerning the nature, duration and time spent on any extra work undertaken so that the Authority can assess whether such work combined with the individual's normal scope of duties conflicts with the Working Time Regulations.

When making decisions relating to declarations, account must be taken of the Human Rights Act 1998, particularly Article 8 – the right to a private and family life. Any interference in that right (including by refusing an application to take on or maintain additional employment or an outside business interest) must be lawful, necessary, and proportionate. All decisions in this regard must be fully recorded and address the individual applicant's human rights.

The offer of a gift or hospitality in return for a benefit, such as the award of a contract, would constitute a criminal offence under the Bribery Act 2010. It is also a criminal offence to request, receive or accept a bribe.

8 RELATED SERVICE POLICIES OR PROCEDURES

- Code of Conduct Policy

Title	Declaration of Interests, Gifts, Hospitality and Sponsorship Policy
Author / Owner	Monitoring Officer
Status	Current
Version	002
Date Approved	September 2024
Approved by	Statutory Officers, Service Leadership Team, Strategic Board
Review Date	As required
Security Classification	OFFICIAL

DRAFT

APPENDIX 1



Employee Declaration of Interest Form

Name:

Rank / Post:

Place of Work:

Employed in a designated post? (this will be stipulated in your contract of employment): **Yes / No**

Contracted hours:

Signed:

Date:

Please note that, throughout this form:

- *In relation to disclosable pecuniary interests, references to “you” or “yours” also includes interests you are aware of that are held by your spouse, partner (Civil or otherwise) or other individual with whom you have a similar close relationship.*
- *“Relevant period” means the period of 12 months ending with the day on which notification was given of any disclosable pecuniary interests which existed at the time of the notification.*
- *“Profit or gain” includes any payments or benefits in kind which are subject to Income Tax.*
- *“Beneficial interest” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale*

I have read and understood the Authority’s policy on the declaration of interests by employees and wish to make the following declaration(s).

I acknowledge that it may be a breach of the Code of Conduct to:

- (1) Omit information that ought to be given in this notice

- (2) Provide information that is materially false or misleading
- (3) Fail to provide written notification to the Authority of any change in my interests contained in this notice within 28 days of my becoming aware of such change of circumstances.

Disclosable Pecuniary Interests

<p>Any employment, office, trade, profession or vocation carried on for profit or gain by you with a body that has a business relationship with or is involved in business also conducted by or relevant to the functions of the Authority</p>	
<p>Any directorship (other than of any company wholly owned by the Authority) or partnership held by you in a body that itself or any subsidiary of it has a business relationship with or is involved in business also conducted by or relevant to the functions of the Authority</p>	
<p>Any beneficial interest held by you in a company or other entity that has a business relationship with or is involved in business also conducted by or relevant to the functions of the Authority (directly or indirectly) where you have:</p> <ul style="list-style-type: none"> • The beneficial ownership of, or the ability to control, directly or indirectly, more than 5% of the ordinary share capital or voting rights of the company or other entity, and / or • Possession of, or an entitlement to acquire, such rights as would, in the event of the winding up of the company or other entity, give an entitlement to receive more than 5% of the assets available for distribution 	
<p>Any ownership (freehold or leasehold) interest of yours in land which is materially affected by the</p>	

Authority's regulatory enforcement or property transaction activities	
Any licence held by you (alone or jointly with others) to occupy land for a month or longer that is materially affected by the Authority's regulatory enforcement or property transaction activities	
Any tenancy where (to your knowledge): <ul style="list-style-type: none"> • The landlord is the Authority, and • You are the tenant or the tenant is a body in which you have a beneficial interest 	
The name of any person or body in which you or a person referred to above has a beneficial interest in securities of that body where: <p>(a) that body to your knowledge has a place of business or land in Essex; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issue share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class.</p>	
Any unexpired contract (other than a contract of employment) which is made between you (or a body in which you have a beneficial interest) and the Authority under which goods or services are to be provided or works are to be executed	

Other Pecuniary Interests:

<p>A description of any contract for goods, services or works made between the Authority and you (or a body in which you or they have a beneficial interest) and which has been fully discharged <u>within the last 12 months</u>.</p>	
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Disclosable Non-Pecuniary Interests:

<p>1. Your membership of or the fact that you are in a position of general management and control of any body:</p> <ul style="list-style-type: none"> (a) To which you have been appointed or nominated by the Authority (b) Exercising functions of a public nature (c) Directed towards charitable purposes. (d) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union). 	
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To be completed if you wish to undertake additional work, paid or unpaid, or hold a business interest outside of your employment with the Authority:

<p>What is the position or job and nature of the business interest and what is the exact role you will fulfil?</p>	
<p>Do, or will, you gain any benefit from the business? Gain means receiving money or any other benefit (this does not include remuneration to cover expenses).</p>	
<p>What are your motivations in pursuing this business interest?</p>	
<p>Is a DBS check required to undertake this business interest?</p>	
<p>Where are you / will you be carrying out this job or business?</p>	
<p>Please give details of the hours per week spent undertaking this business interest.</p>	

Does your proposed business interest or role within the Authority involve periods of driving?	
Please confirm if, when you are undertaking this business interest, you are / will be utilising or referencing knowledge you have gained or courses that you have undertaken with the organisation? If yes, please provide details.	

Please now pass this form to your line manager.

Line manager name:

Line manager rank / post:

You are asked to consider this request and raise any concerns you may have about the application i.e. type of trade or position, hours worked etc. Where it is perceived that additional information is required to assess the business application, you should ask the applicant to provide necessary details and any supporting documentation.

When you are satisfied the application has sufficient information for you to be able to support or reject the application, you are to submit this form to your own line manager, setting out your reasons for support or recommendations for rejection. Please ensure both you and the applicant have signed and dated the form before forwarding to your line manager.

Any concerns relating to the applicant's ability to remain impartial whilst carrying out their role with the Authority	
Any concerns relating to the impact on the service delivered by the Authority	
Any concerns relating to the impact on the applicant's performance	
Any concerns relating to the impact on the applicant's attendance	

Any current concerns regarding the applicant's conduct, performance or attendance	
Any further relevant comments	

Permission recommended: Yes / No

Signed:

Date:

Please now send this form to your own line manager

“Grandparent” decision maker name:

“Grandparent” rank / post:

You are asked to consider this request and raise any concerns you may have about the application i.e. type of trade or position, hours worked etc. Where it is perceived that additional information is required to assess the business application, you should ask the applicant to provide necessary details and any supporting documentation.

When you are satisfied the application has sufficient information for you to be able to support or reject it, you are to advise the applicant of your decision, with a copy sent to their line manager.

Any concerns relating to the applicant's ability to remain impartial whilst carrying out their role with the Authority	
Any concerns relating to the impact on the service delivered by the Authority	
Any concerns relating to the impact on the applicant's performance	

Any concerns relating to the impact on the applicant's attendance	
Any current concerns regarding the applicant's conduct, performance or attendance	
Any further relevant comments	

Permission granted: Yes / No

On the following grounds:

Conditions applicable:

Monitoring arrangements and timescale:

Signed:

Date: