

<b>Policy</b>	Outside Interests Policy
<b>This policy has been authorised by</b>	People Committee
<b>This policy applies to</b>	Office for National Statistics and the UK Statistics Authority (hereafter known as the Organisation)
<b>This policy was introduced</b>	19 January 2023
<b>Policy Owner</b>	Head of People Expert Services
<b>Other contacts</b>	Employment Relations
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## POLICY

### 1.0 SUMMARY

- 1.1 This policy is designed to protect the interests of the organisation and colleagues by ensuring all outside interests are declared and then managed appropriately where an actual, potential, or perceived conflict is judged to occur. This policy has been designed to supplement the Civil Service Code which requires all Civil Service employees to act with honesty, integrity, objectivity, and impartiality in all business dealings. This is primarily to safeguard the public resources for which the organisation is responsible.
- 1.2 To protect the reputation of the organisation and maintain the highest level of trust and transparency in all its business dealings, the organisation will ensure at all times matters of actual, potential, or perceived conflicts are treated with disciplined attention and scrutiny. Members of staff are expected to be vigilant at all times to the potential for conflicts of interest to arise and to take appropriate action to protect themselves and the organisation

### 2.0 SCOPE

All members of staff at all grades, including Senior Civil Servants (SCS). It also includes consultants, contractors, agency staff or any other person connected to the provision of services by external parties.

### 3.0 DEFINITIONS

- 3.1 The National Audit Office defines a conflict of interest as: “A set of circumstances that create a risk that an individual’s ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. It can occur in any situation where an individual or organisation (private or public) can exploit a professional or official role for personal or other benefit. Conflicts can exist if the circumstances create a risk that decisions may be influenced, regardless of whether the individual actually benefits. The perception of competing interests, impaired judgement or undue influence can also be a conflict of interest.”

- 3.2 Individuals may not always realise they hold relevant *outside interests* which give rise to a *conflict of interest*, so we encourage open discussion about outside interests between individuals and line managers to ensure regular consideration of the issues. The list below is not exhaustive but is designed to demonstrate the range of outside interests and actions that can lead to an actual, potential, or perceived conflict of interest arising.
- 3.3 Examples of outside interests include:
- a. **Personal interests** - where the job holder has relevant close family or personal relationships (including from a work context) which could influence their objectivity (In addition to the individual's own interests, those of close family members and close friends should form part of consideration of relevant outside interests. This is limited by the extent to which the member of staff can reasonably be expected to know of such interest.).
  - b. **Financial interests** - where the job holder stands to gain financially from the work, they are undertaking in the department, or they can use their status to deliberately prevent someone else from gaining financially. This could also include where an individual has been declared bankrupt or their general financial status makes them more vulnerable to situations that could be seen to compromise their position.
  - c. **Political interests** – where the job holder has participated in regular political campaigning that could impact impartiality or made significant contributions towards a political party or candidate. This includes being recent employment by a political or elected member, standing as a candidate in a local or national elected role, or if you have a personal relationship with any nationally recognised politicians, Members of Parliament, or Peers.
  - d. **Private shareholdings** - where an individual holds shares in a business that their team, directorate, or, if appropriate, department has an interest in.
  - e. **Outside occupations** - All remunerated outside employment, work and appointments should be declared, whether or not considered relevant and caught by the requirement in paragraph 4.3.4 of the Civil Service Management Code. Where work is not directly remunerated but may generate financial advantage for third parties, this should also be declared.
  - f. **Voluntary roles** - although the Civil Service supports the performance of a wide range of voluntary roles in the wider public and third sectors, in some cases these roles may create a conflict with an individual's civil service role. For example, where an individual works in an organisation that holds regulatory or procurement responsibilities for a separate organisation, they hold a voluntary role for, or where they may have access to information which could be of benefit to the organisation for which they volunteer.
  - g. **Previous employment, appointment, or other outside roles** - where an individual has previously held roles, or formed close working relationships, that might be relevant to their current role (in particular on entry to the Civil Service and in the early years of their Civil Service career). This should also include any elected roles (e.g., Parish or local Councillor) and may need to be considered on entry to the Civil Service in terms of the individual's ability to adhere to the Civil Service Code, and in line with the rules on political activity set out in the Civil Service Management Code and relevant departmental policies.

- h. **Business interests** - where an individual holds an interest in any organisation (including directorships) which they could use their official position to further.
- i. **Insider dealing** - Insider dealing is a serious criminal offence under the Criminal Justice Act 1993. If in the course of an individual's work, they come into possession of information that could be used for financial gain (or other types of gain) this must be treated in the strictest of confidence. It may be necessary to declare any interests that put an individual in a position where they could benefit from holding certain information.
- j. **Procurements** - where relevant staff members have direct or indirect financial, economic, or other personal interest which might be perceived to compromise their impartiality and independence in the procurement process.
- k. **Any other relevant interests** - individuals should include any other interests they hold which might reasonably be perceived as relevant to their responsibilities as a Civil Servant.

## 4.0 PRINCIPLES

- 4.1 The following principles and aims underpin the Outside Interests policy and procedure
  - a. Outside interests and then those which may present an actual, perceived, or potential conflict of interest will be managed under a robust and consistent approach
  - b. All staff are required to declare outside interests as soon as possible including but not limited to prior to appointment, when moving to a new role, during procurement activity and on an annual basis where necessary
  - c. Individuals should err on the side of caution to consider what might be a relevant outside interest and declare it to their line management chain for an objective judgement about the actual relevance of such an interest to be made.
  - d. Open discussion about the declaration and management of outside interests between individuals and line managers (and Senior Leadership Team as appropriate) is strongly encouraged to ensure regular consideration of the issues, focus on appropriate preventative action and to demonstrate their willingness to be open about such conflicts.
  - e. In most cases, there will likely be nothing wrong or unethical in relation to the circumstances leading to a conflict of interest arising, but when it does, immediate steps must be taken to resolve the matter so as to ensure adherence to the Civil Service Code
  - f. A failure to report an actual, potential, or perceived conflict of interest may be referred for investigation under the Disciplinary Policy

## 5.0 RELEVANT LEGISLATION AND RELATED POLICIES

Bribery Act 2010: <https://www.legislation.gov.uk/ukpga/2010/23/contents>

Civil Service Code: [The Civil Service code – GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Fraud, Bribery and Corruption Policy](#): provides guidance on what constitutes fraud, bribery and corruption, money laundering and the actions to take if you become aware of such activity

[General Conduct Policy](#): provides guidance on standards of propriety, shareholdings, business interests and other outside activities, as well as confidentiality of official information, insolvency, and political activities.

[Gifts and Hospitality Policy](#): provides guidance on what constitutes a gift and or hospitality and outlines what to do and not do in such circumstances

[Whistleblowing Procedure](#): outlines the process for raising a relevant concern and the protections afforded under law in such cases

[IT Acceptable Use Policy](#)

[Social Media Policy](#)

## **PROCEDURE**

### **6.0 ROLES AND RESPONSIBILITIES**

#### **6.1 THE ORGANISATION**

The organisation is responsible for:

- Developing and maintaining effective controls to actual, potential, or perceived Conflicts of Interest.
- Ensuring applicants are asked to declare any outside interests as part of the application process
- Ensuring all colleagues are fully aware for the requirements of the policy.
- Taking appropriate disciplinary action where this policy is not adhered to.
- Providing assurances in the Annual Reports and Accounts (ARA) of the robustness of this policy.
- Publishing the relevant interests of their Permanent Secretary and Second Permanent Secretary, and other SCS who are Board members at least annually within their ARA alongside all Board member interests. Any outside employment, work, or appointment (paid or otherwise remunerated) held by a member of the SCS that has been agreed through the process for the declaration and management of outside interests should also be published in the ARA (this does not include voluntary roles).

#### **6.2 THE DIRECTOR OF PEOPLE AND BUSINESS SERVICES**

The Director of People and Business Services has overall responsibility to ensure compliance with this procedure requiring all actual, potential, or perceived Conflict of Interests are declared, and appropriate action taken.

#### **6.3 EMPLOYEES**

All colleagues must ensure they have read, understood, and comply with this policy and avoid any activity that might lead to or suggest a contravention. It is

the individual's responsibility to ensure any outside interests are disclosed in writing to their line manager as soon as they arise. Colleagues are responsible for:

- Acting with propriety in the use of official resources and the handling of public funds.
- Conducting themselves in accordance with the [Civil Service Code of Conduct](#);
- Being alert to unusual events, transactions or behaviour that could indicate an actual, potential, or perceived Conflict of Interest.
- Being mindful of what they communicate (including social media posts) regarding interactions at work.

#### 6.4 MANAGERS

Managers are responsible for:

- Ensuring adequate levels of internal control are in place and operate within their area of responsibility.
- Ensuring action is taken where conflicts of interest are identified. Once managers are aware of a conflict, they are culpable if they do not highlight it or take action as soon as they become aware. The level of action required will depend on the level of risk posed:
  - o Low risk – a Conflict of Interest has been declared but no further action is required, whilst the employee is in their current position and grade.
  - o High risk – a Conflict of Interest has been declared and the nature of the work means the individual has a high degree of potential to influence decisions. In these circumstances it may be necessary to remove the individual from a procurement process and related conversations.

#### 6.5 COMMERCIAL SERVICES

- Any declaration of interest requirements for civil servants operating in commercial and procurement roles are in addition to the declaration and management of outside interests.
- The Commercial Services Branch of the organisation has a primary duty to protect public resources and as such must ensure all Conflict of Interests are declared immediately and action taken to ensure the individual is removed from any procurement which would be unfairly affected

#### 7.0 DECLARING OUTSIDE INTERESTS

- 7.1 Employees must declare all relevant outside interests as soon as possible using the form at paragraph 17.0. The declaration of interests is a live process and should be completed on commencing employment (including a secondment in), moving between roles and on an ongoing basis, as necessary.
- 7.2 In particular, Senior Civil Servants will need to confirm on an annual basis that their declarations are up to date, **including a nil return.** (See section 9)

- 7.3 If you are unsure whether you have a relevant outside interest you should speak with your line manager in the first instance. It is expected that individuals declare any outside interests which might be of relevance to allow an objective assessment as to the relevance of the interest to be made.
- 7.4 Advice regarding the declaration of sensitive matters should be escalated within the line management chain.
- 7.5 If you have reason to believe an outside interest has not been declared by someone else, please refer to the 'Raising Concerns' guidance in section 12.
- 7.6 Once an outside interest is declared the line manager, or relevant decision maker, will undertake an assessment of the relevance of each declared interest and, if it is decided they are relevant, whether it meets the definition of an actual, potential, or perceived conflict of interest as follows:
- a. **Actual conflicts** - where there is a risk that an official's ability to apply judgement is or could be impaired or influenced by an external secondary interest.
  - b. **Potential conflicts** - where an official's ability to apply judgement or act in their role could be impaired or influenced by a secondary interest in the future.
  - c. **Perceived conflicts** - where an official's ability to apply judgement or act in one role could reasonably be perceived as impaired or influenced by a secondary interest (i.e., it could cause a reasonable person to think there was a conflict of interest)

In some cases, the decision maker may consider that the interest is relevant but presents no issue (i.e., it does not meet the definition of an actual, potential, or perceived conflict of interest).

- 7.7 If the declaration is particularly contentious or poses an immediate risk to the reputation of the department this must be escalated within the line management chain to ensure thorough consideration. In some circumstances it may be appropriate to escalate the initial assessment of outside interest to the Director of People and Business Services in the first instance.

## 8.0 RESOLVING CONFLICTS OF INTEREST

- 8.1 Once an actual, potential, or perceived conflict of interest has been identified, this must be escalated within the line management chain at a minimum of Grade 7 to decide what action to take prior to any further interactions with external suppliers
- 8.2 The following is a non-exhaustive list of the type of action that may be taken:
- a. **Agreement that there is no conflict of interest (or perceived conflict of interest)** - it may be that the decision maker and individual decide that there is in fact no conflict of interest to be found. If this is the case, then no additional action is likely to be necessary
  - b. **Exclusion from the activity** - it may be that the only reasonable step to take to eliminate the risk is to have the individual concerned remove

themselves from the activity/relationship that is causing the conflict of interest. All actual conflicts of interest must be resolved in this manner. Examples of actions include: changing responsibilities, recusal from decision making, divestment or ending a role.

- c. **Continue with the activity but implement actions to mitigate any real or potential risk** - what actions are necessary will be entirely dependant on the nature of the conflict of interest and the level of risk, however it might include things such as closer monitoring, revisions to existing work plans, or the additional disclosure of all relevant information to others involved in the decision making process.

8.5 All signed declarations will be managed by People and Business Services.

## **9.0 ANNUAL SCS DECLARATION**

9.1 Senior Civil Servants (SCS) will need to confirm on an annual basis that their declarations of interest are up to date (including a nil return).

9.2 To ensure central oversight of all SCS declarations, returns will be overseen by a panel including the Director of People and Business Services, the Director of Finance, Planning and Performance and the Permanent Secretary, with findings reported to the Audit and Risk Assurance Committee. The Permanent Secretary may delegate the role of Chair to a Director General on their behalf.

9.3 Relevant interests of the Permanent Secretary, and other SCS who are Board members will be published at least annually within the Annual reports and Accounts (or other relevant publication) alongside all Board member interests. Any outside employment, work, or appointment (paid or otherwise remunerated) held by a member of the SCS that has been agreed through the process for the declaration and management of outside interests should also be published in the ARA or other relevant publication (this does not include voluntary roles).

## **10.0 PROCUREMENT PROCESS**

10.1 Should staff be involved in procurement activity; the procurement team will ask them to update their record prior to engaging with the procurement process.

10.2 Individuals will be excluded from a process where the identified conflict is material and cannot be mitigated. This is in relation to personal Conflicts of Interest and those perceived in others.

## **11.0 WHERE CONFLICTS ON INTEREST ARE NOT DECLARED**

Deliberate concealment of an actual, potential, or perceived Conflict of Interest will be construed as unethical, will be treated very seriously, and may constitute a matter of gross misconduct under the disciplinary policy. Such a breach of this policy may also be dealt with as a criminal offence and could lead to legal action.

## **12.0 HOW TO RAISE YOUR CONCERNS**

- 12.1 Members of staff should report any concerns they may have regarding actual, potential, or perceived Conflicts of Interest, whether it relates to staff, contractors, suppliers or others to the Director of People and Business Services. Such concerns will be treated in confidence and fully investigated
- 12.2 Members of staff are reminded of the Whistleblowing Procedure, which outlines the process for raising a relevant concern and the protections afforded under law in such cases.
- 12.3 If in doubt as to whether you feel you have a conflict then it is best to raise this via an Outside Interests Declaration form as soon as you become aware of it.

## **13.0 MONITORING AND REVIEW**

The organisation's Director of People and Business Services will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy, and effectiveness. Any improvements identified will be made as soon as possible. All Outside Interests Declarations will be securely managed and stored by People and Business Services.

## **14.0 GUIDANCE**

Further guidance about outside interests is available to all members of staff on Reggie and the ONS Website. All members of staff should ensure they have read and understood this policy in the first instance.

## **15.0 COMPLIANCE**

A Conflict of Interest is not necessarily wrong or unethical. However, a failure to declare an actual, potential, or perceived Conflict of Interest could be perceived as non-compliance, depending on the circumstances. If you are in any doubt, or wish to ensure you are being compliant, please speak to the organisation's Director of People and Business Services.

## **16.0 EXCEPTIONS**

There are no exceptions to this policy

## **17.0 DECLARATION FORM**

Please complete the automated [Employee Declaration](#) form to declare an outside interest.

Once you have declared your outside interest your line manager will receive notification of required action. Line managers should then complete the required fields in the declaration form in order to consider if the declaration is of interest, and if so whether this constitutes a conflict of interest. Any conflict of interest must be considered by a G7, or above, and relevant actions recorded.

The annual SCS declaration process will be managed by Employee Relations. All SCS will be prompted to undertake the declaration via notification.

