Conflict of Interest Policy

Office of the Police and Crime Commissioner Gloucestershire

Policy Title

Table of Contents

Section 1 – Policy wording 1
Section 2 – Procedural guides 3
Section 3 - Relevant Legislation: (Human rights/diversity/Health & Safety/any other specifics) 3
Section 4 - Related References: 3
Section 5 - Identification, Monitoring and Review 4

Section 1 – Policy wording

This policy does **not** supersede the current Notifiable Association and Business Interest policies.

In its most simplest of terms, a 'Conflict of Interest' (COI) is any situation in which an officer, police staff, member of the Special Constabulary or volunteer with Gloucestershire Constabulary or employee of the Office of the Police and Crime Commissioner (OPCC) has a competing interest or loyalty and where it is arguable that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the relevant person could be biased.

A 'COI' can exist in many guises – notably where an officer's, member of staff's, member of the Special Constabulary's or volunteer's or employee of the OPCC's personal interest conflicts with their own professional position. A 'COI' can typically arise where that relevant person has a private interest that might influence or be perceived to influence the delivery of their public service.

Crucially, the responsibility placed upon Police Officers, members of Police Staff, members of the Special Constabulary, volunteers and employees of the OPCC alike, is so great as to demand that whatever we do is done with integrity, impartiality and transparency. A 'COI' is not a negative reflection on the parties involved. However, failure to raise that conflict as and when it is identified prevents the Constabulary / OPCC taking swift action to manage against the suggestion of bias and may be damaging to the reputation and confidence in the Constabulary / OPCC. Under no circumstances should we find ourselves in a situation where our responsibility to discharge our duties is limited or hindered as a consequence of a personal or professional 'COI'. A 'COI' has the potential to undermine public trust in Gloucestershire Constabulary / OPCC and the Police Service in general.

All Police Officers, members of Police, members of the Special Constabulary, OPCC Staff and volunteers are required to declare a 'COI' to an appropriate manager / departmental point of contact (normally your Line Manager, but if not appropriate another suitable manager) as soon as this becomes apparent. Failure to report a 'COI' may result in disciplinary proceedings being considered.

The appropriate manager must consider whether the existence of the 'COI' is significant enough for further steps to be necessary and/or to separate or remove the individual from continuing involvement with the matter.

For example an officer has been tasked to investigate a case of minor assault – and discovers that the alleged offender is an acquaintance, e.g., a friend of a friend, a regular at the same local public house etc.

(This policy does not replace the responsibilities of all staff to adhere to the Notifiable Associations policy).

In the example above, the appropriate manager must consider whether in light of the declaration, it is prudent to allow the officer to continue with the investigation. By removing the officer from this investigation, it will negate any later suggestion that the officer treated the offender differently simply because of the relationship.

Equally, for example where a senior finance officer is party to a Constabulary / OPCC decision on the procurement of services for the Constabulary / OPCC and that person has an interest in the company that is offering the services e.g. knows the director, or other senior manager within that company – it would be necessary for the Senior Finance Manger to declare that interest.

Again it does not mean that the person would be removed from any decision making but by highlighting the fact that the 'COI' exists, will provide greater transparency should that matter ever be the subject of scrutiny.

Each possible 'COI' will be considered on a case by case basis and it may be necessary for the appropriate manager to seek further guidance and advice in making a final decision.

Irrespective of the decision that is reached, it is essential any consideration of a 'COI' is accurately and formally recorded. Further advice can be taken from PSD.

To ensure 'COI' are identified and managed, the following will take place in the Constabulary:

- All Governance meetings within the Constabulary / OPCC must have a standing agenda item requiring all in attendance to declare any known Conflict of Interest at the commencement of meetings. The minutes must reflect any declarations and the chair's decision to remove or retain the member of staff.

- This Policy should enable consistent and effective decision making. Where operational or managerial circumstances require any decision making that would adversely affect adherence to the policy or procedure, in line with the 'Statement of Intent' of the Constabulary and the police service 'Code of Ethics', if an officer, police staff member or volunteer believes that they need to make a decision that steps outside of policy and procedure they should do so, provided that:

    - the officer, member of police staff, member of the Special Constabulary, volunteer or OPCC staff member raises the matter at the earliest opportunity (and ideally before any such decision is made) with their line manager declaring their intended (or actual) course of action if notification is made after the decision is taken,
    - produces, in a timely manner, a signed and dated written explanation of why it is/ was deemed necessary to step outside of policy and procedure, and
    - maintain an adequate record of this written rationale for audit purposes appropriate to the circumstances / contravention

Conflict of Interest Policy

Section 2 – Procedural guides

When a Conflict of Interest (COI) is identified:

- Bring the matter to an appropriate manager's attention as soon as possible.
- Ensure you provide the manager with all the information you are aware of.
- Allow your line manager to consider whether there is a COI.
- In the event a COI is identified, the manager is expected to articulate and record a proportionate rationale for removing or permitting that officer, member of staff, member of the Special Constabulary, volunteer or OPCC staff to continue with that particular matter. This record should be capable of retrieval at a later date e.g., on an incident or crime report or other appropriate system.
- In case of a COI involving procurement / financial matters, the report **MUST** be copied to the Head of Finance.
- At all Governance meetings, all participants must declare any COI and minuted accordingly.

Section 3 - Relevant Legislation: (*Human rights/diversity/Health & Safety/any other specifics*)

Data Protection Act 1998:

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that the Constabulary is transparent in its dealings with members of the public and is accountable when using public funds. The information provided will not be used for any other purpose.

Section 4 - Related References:

Notifiable Associations Policy

Conflict of Interest Policy

Section 5 - Identification, Monitoring and Review

Security Marking:	**NOT PROTECTIVELY MARKED**			
Document Title: POLICY				
Policy				
Type		**URN**	**Strategic Board**	**Author/Reviewer**
Policy		**271**	**MEB**	**Kevin McCloskey**

Version	Date	Changes (ensure public copy amended and uploaded to external website)	Complied with Policy Guidance ✓
DRAFT	10/5/2017	Document created and implemented on to corporate template	✓
V1	2/8/2017 4/1/2018	Policy completed and sent to the IGB for sign off in September Watermark 'DRAFT' removed, left on in error - TS	
V1a	5/1/2018	EIA added	
V1.1	27.02.2020	Policy reviewed by Joanne Mercurio– No amendments needed	

Next Document Review Date: 2/8/2018		
EIA	**EIA Sign Off**	**EIA Review**
LOW K:\Waterwells\Equality Impact Assessment\Conflict of Interest Policy - EIA Oct 2017.doc	**Steve Jacques/Kevin McCloskey**	**2/8/2020**
This version will be placed on the public domain website		
If this version cannot be placed on the public domain website, provide reason and relevant COG authority		

Previous policies can be found with the Governance and Compliance team.