

Conflict of Interest Policy

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1. Introduction

- 1.1 The Council (RBC) is committed to maintaining the highest standards of integrity, transparency, and public trust. Employees must avoid situations where personal interests could conflict, or appear to conflict, with their duties to the Council.

This policy safeguards the Council's integrity by preventing, identifying, declaring, recording and managing actual, potential, or perceived conflicts of interest. It ensures decisions are taken impartially, transparently, and in the public interest, and that we comply with the Seven Principles of Public Life (the Nolan Principles) and relevant legislation.

For roles in regulated services, including Children's Services, additional scrutiny or conditions may be applied where secondary employment or external interests present heightened safeguarding, reputational, or regulatory risks.

2. Scope

- 2.1 This policy applies to all Council employees, casual and temporary staff, agency workers, contractors, consultants, and those working on behalf of the Council (including secondees). School-based staff follow local arrangements where applicable

3. Definition of a Conflict of Interest

- 3.1 A conflict of interest arises where personal, financial, or other interests could compromise or be perceived to compromise an individual's impartiality, integrity, or objectivity in performing their Council role. Conflicts may be actual, potential, or perceived.

Where there is any doubt as to whether an interest constitutes a conflict, it must be declared.

3.2 Illustrative examples (not exhaustive):

- A financial interest in a supplier/contractor/organisation bidding for work.
- Close personal relationships (family, partner, close friend) with individuals employed by, or connected to, a tenderer, contractor, or applicant.
- Involvement in evaluating/awarding/managing contracts where you or a close associate has an interest in the outcome.
- Gifts, hospitality or incentives from suppliers/applicants/bidders that could influence, or be seen to influence, decision-making
- Secondary employment or private business activities intersecting with Council duties, particularly where time or role overlap could affect impartiality or performance

4. Responsibilities

4.1 All Staff (employees, workers, agency, contractors)

- Disclose immediately any actual, potential, or perceived conflict (including secondary employment/business interests).
- Refrain from participation in any decision-making, evaluation, procurement or contract management activity where a conflict exists, unless a written management plan/dispensation is in place.
- Treat all work information especially procurement, tender, evaluation and commercially-sensitive materials as confidential.
- Comply with the Council's Gifts & Hospitality, Code of Conduct, Anti-Fraud/Bribery/Corruption, Whistleblowing, and Information Governance policies.
- Complete annual declarations (including "nil returns") and update immediately if circumstances change.

4.2 Managers

- Create a culture of early declaration, ensure annual reminders, and review team returns.
- Assess conflicts promptly, agree management plans (e.g., recusal, supervision, task reassignment), and record decisions. Management plans must be agreed by the line manager and HR, with advice from the Monitoring Officer where the conflict relates to procurement, commissioning, or senior roles.
- Escalate complex/strategic cases to HR and the Monitoring Officer

4.3 Directors & Executive Directors

- Ensure directorate procedures and procurements integrate conflict checks and supplier conflict declarations.
- Oversee compliance and report significant issues to the Director of HR & OD and/or the Head of Paid Service.

4.4 Human Resources

- Maintain the register (HR system workflow), provide training and annual prompts, and support managers with case advice.

4.5 Monitoring Officer

- Provide governance advice, maintain oversight of significant/strategic conflicts, and report these as appropriate to the Head of Paid Service and ensure alignment with standing orders/contract procedure rules.
- Provide corporate oversight and reporting/monitoring

5. Declaration Requirements

Under Section 117 of the Local Government Act 1972, employees are legally required to notify the Council in writing of any direct or indirect pecuniary interest in any contract, or proposed contract, with the Council. Failure to do so is a criminal offence.

5.1 What must be declared

Any interest that could reasonably be seen to affect impartiality, including:

- Financial interests in suppliers/partners (you or close associates).
- Relationships (family, partner, close friend) with tenderers, suppliers, applicants.
- Secondary employment or self-employment/companies you own or manage.
- Gifts & hospitality offered/received (follow the separate policy and thresholds)

5.2 When to declare

- On appointment, annually (including submission of a “nil return” where no interests exist), and immediately when circumstances change.
- Before taking part in procurement/commissioning or any decision with a potential conflict

5.3 How to declare

- Complete the Declaration of Interests Form. Manager reviews and agrees a management plan or escalates. Records are held on the central register. Management plans must be agreed by the line manager and HR, with advice from the Monitoring Officer where the conflict relates to procurement, commissioning, or senior roles.

6. Secondary Employment & Private Business Activities

6.1 Requirement to declare and seek approval

- The Council does not prohibit you from taking secondary employment and will not unreasonably withhold permission for you to do so, provided that the second job does not present an insurmountable conflict of interest with your role here or the work of the Council.
- Employees must declare any secondary employment (paid or unpaid) or business activity that could intersect with your Council role before commencing and keep this under annual review. Approval may be conditional (e.g., no overlap with working hours, no access to related contracts, periodic review).
- Secondary employment or private business activities must not be undertaken during Council working hours, using Council systems or assets, or in a way that impacts performance, attendance, health, safety, or wellbeing.

6.2 Working time, rest and performance

- Employees must ensure that any secondary employment does not result in a breach of the Working Time Regulations, including limits on average weekly working hours, minimum rest periods, and statutory breaks. This applies to total working time across all employments, not just the Council role.
- Employees are responsible for notifying their manager if secondary work may affect compliance with working time limits. The Council may refuse, restrict, or withdraw approval for secondary employment where working time, health and safety, or service risks cannot be adequately managed.
- Breaches of working time requirements, or failure to disclose relevant working hours, may constitute misconduct and, in serious cases, gross misconduct.

6.3 Procurement and commissioning safeguards

- Staff with secondary employment or business interests must not participate in related procurements, evaluations, or contract management. Where unavoidable, a written management plan (e.g., recusal) is required and documented

7. How Conflicts are Managed

7.1 Depending on the nature, the Council may implement one or more of the following controls:

- Recusal from the matter/decision/meeting/evaluation panel.
- Reassignment of duties or additional supervision.
- Information barriers (access restrictions to systems/documents).
- Formal dispensation in limited, justified circumstances, recorded and time-bound.
- Prohibition of the activity where risks cannot be effectively mitigated

All decisions and rationales must be documented and provided to HR for inclusion on the central register and, where appropriate, the employee's personnel file.

8. Confidentiality and Data Protection

Declarations will be handled in line with data protection principles. Only those with a genuine need-to-know will access the register. Aggregated, anonymised insights may be used for governance reporting.

9. Non-Compliance

9.1 Failure to declare, late declaration, or breach of an agreed management plan or cooperate with an investigation may result in:

- Disciplinary action up to and including dismissal
- Removal from procurement/decision-making roles
- Possible referrals under anti-fraud/bribery procedures and to relevant authorities

- Where applicable, breaches of LGA 1972 s.117 and the Bribery Act 2010 may attract criminal sanctions.

10. Related Policies

- Employee Code of Conduct
- Gifts and Hospitality Policy
- Anti-Fraud, Bribery and Corruption Policy
- Whistleblowing Policy