

Guidelines on Register of Interests

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Guidelines on Register of Interests

1 Background

Scottish Borders Council maintains a Register of Employee Interests as part of its commitment to demonstrate the highest standards of propriety and accountability. The register is consistent with the Seven Principles of Public Life identified by the Nolan Committee as detailed in the [Code of Conduct for Employees](#). In addition, the register will help to protect employees against accusations of impropriety.

2 Departmental Responsibilities

Each Department must ensure that all relevant interests are recorded in the Register of Employee Interests on Business World. Although the Register of Employee Interests is confidential it may be referred to by Senior Managers, Internal Audit and other relevant employees.

Any entry in the Register of Employee Interests should be retained for a period of 7 years after the date on which the interest became irrelevant, i.e. the date it expired or the date the employee left Scottish Borders Council. This is because an interest may be relevant to an HMRC review of the Council which could go back for up to 7 years.

3 Notes on making an Entry to the Register

The following notes are to assist in the accurate completion of the Register of Employee Interests. If there are any queries these should first be discussed with the appropriate Director within the department. If queries remain advice can be sought as necessary, for example from Internal Audit, or HR.

It is the responsibility of each employee to notify their line manager of any interest and to ensure that the Entry for the Register of Employee Interests is completed. If in any doubt whether or not to register something, the employee should err on the side of caution and complete the register. If an employee fails to register an interest and this is later discovered, they may be subject to action being taken under the disciplinary procedure.

Before making an entry, the employee should discuss the nature of their interest with their line manager and agree any potential conflict and appropriate restrictions and, if appropriate, an expiry date (see Section 4 below).

4 How to make an Entry to the Register

- 4.1 Log in to Business World, go to Forms and open a new "Register of Interest" form,
- 4.2 Check your personal details, and details of your position as displayed.

4.3 Nature of Interest

Enter details of the Interest

Examples of type of Interest to be entered (these examples are to illustrate the type of Interests which should be registered, but are not intended to be exhaustive)

1. Interest in an organisation, including ownership, partnership or shareholding*, with a contract or proposed contract (e.g. involved in a tendering process) with the Council where, as a consequence of their work with the Council, the employee might be in a position to influence a decision or be involved in processing or authorising payments

[*Shareholding – only register where the value of shares held is in excess of 5% of the issued share capital]

2. Office Bearer in a voluntary or community organisation (e.g. Chair of Sports Council, Treasurer of Village Hall Committee, Secretary of Community Council) where, as a consequence of their work with the Council, the employee might be in a position to influence a decision to award a grant or be involved in processing or authorising payments

3. Membership of club or society (e.g. Roundtable, Tennis Club) where, as a consequence of their work with the Council, the employee might be in a position to influence a decision to award a grant or be involved in processing or authorising payments

4. A close family member (including husband, wife, partner, child, parent, sibling or in law) making a job application where, as a consequence of their work with the Council, the employee might be involved in the recruitment and selection process

In respect of 1, 2 and 3 above the employee must register where they have a close family member, including husband, wife, partner, child, parent, sibling or in law, who has such an interest which the employee is aware of.

4.4 Potential Conflict/Restrictions

Enter details of any potential conflict that could arise and any restrictions put in place to eliminate the potential conflict.

Examples of type of potential conflict/restrictions to be entered (these examples are to illustrate what could be included in this section of the register, but are not intended to be exhaustive)

1. Interest in an organisation with a contract or proposed contract with the Council – a conflict might arise for example where an employee is ordering, making payment to, evaluating tenders or monitoring a contract with an organisation with which the employee or a close family member has an interest. This could potentially influence their judgment in decision making.

In such circumstances a reasonable restriction would be that the employee takes no part in the ordering, payment, evaluation or monitoring process with the relevant organisation.

2. Office Bearer in voluntary or community organisation – a conflict might arise where the employee might be making a decision or be in a position to influence a decision by Councillors or other officers to award a grant to a particular organisation, or is involved in processing or authorising payments to an organisation of which the employee or a close family member is an office bearer.

In such circumstances a reasonable restriction would be that the employee takes no part in the decision making process, leaves any meeting where decisions about awarding a grant to the organisation is being discussed or that they take no part in the processing or authorising of payments to the organisation.

3. Membership of club or society – a conflict might arise where the employee might be making a decision or be in a position to influence a decision by Councillors or other officers to award a grant to a particular organisation, or be involved in processing or authorising payments to an organisation in which the employee or a close family member is a member.

In such circumstances a reasonable restriction would be that the employee does not take any part in the decision making process, leaves any meeting where decisions about awarding a grant to the organisation is being discussed or takes no part in the processing or authorising of payments to the organisation.

4. A close family member making a job application – a conflict might arise where the employee is involved in the recruitment and selection process.

In such circumstances a reasonable restriction would be that the employee takes no part in any aspect of the recruitment and selection process.

4.5 Expiry Date and Reason (where applicable)

An interest may only be relevant for a limited period, in which case the expiry date should be completed together with the reason for expiry. For example, an interest may be relevant during a particular tendering process, in which case the expiry date would be the date the tendering process is completed, and the reason would be that this is the end of the tendering process. (However, should the organisation be successful in its bid a new entry would require to be completed in the register to reflect this.)

4.6 Approval and Entry on the Register

Once the employee has completed the form it will go to the line manager for approval.

If approved by the line manager, it will then go to the Director for approval.

If approved by the Director, the Interest is entered on the Register.

If either the line manager or Director do not approve the form the employee will be notified of this. Further discussions should take place as appropriate and the employee should then complete another form. .

For more information, please see the [Employee Code of Conduct](#).