

Conflict of interest rules

Introduction

Rules and procedures relating to possible conflicts of interest in relation to private interest and possible conflict with public duty

You are required tell the Commission of any private or personal interest which may affect your ability to deal with a particular complaint or to do your job.

Staff in restricted posts

The restricted posts are:

- Chief Executive Officer
- Director of Operations
- Head of Policy and Communications
- Assistant Ombudsman
- Head of Assessment
- Customer Services Manager
- Legal Adviser
- Assistant Legal Adviser
- All other staff with delegated authority for casework decisions from the Ombudsmen
- Intake Team Leader
- Complaints Adviser

Membership of and employment by bodies within jurisdiction

The Commission has a reputation for impartiality and independence. It is very important to our work that this is protected.

Our legislation precludes the Ombudsmen from serving as a member of a body within their jurisdiction. The Ombudsmen also need to safeguard public confidence in the independence and impartiality of their decisions and the Commission that supports their work.

Staff who have delegated authority from the Ombudsman to take decisions on their behalf, therefore need to bound by a similar restriction. The Ombudsmen consider that this restriction should extend to other staff who are in a position of significant influence in relation to independence and impartiality of the Ombudsmen and the Commission.

Accordingly, if you are in a restricted post and you become an elected, board or co-opted member of a body within jurisdiction, or become an employee of such a body, you must resign from being an employee of the Commission.

This restriction does not apply to membership of school governing bodies.

Other restrictions relating to bodies within jurisdiction

You are required tell your line manager of any personal interest which may affect your ability to deal with a particular complaint, examples of such situations are:

- Complaints against a body within jurisdiction where, within the last five years, you have either been a member or were employed.
- Complaints against an authority in which you take part in political activity relating to that body.
- Complaints against an authority where you live and where the outcome of the complaint could have an impact on you.
- Complaints against an authority in which you might reasonably be thought to have a personal interest which could be seen to influence your handling of the complaint because, for example, of friendship, family relationship or other personal involvement with members or officers of the authority.
- Complaints made by close relatives, friends or associates.
- Complaints concerning a school where you are a governor, or a school within the same local education authority area.

Unless expressly authorised to do so by the Ombudsman or a member of senior management, staff on the restricted list should take no part in the handling of any complaint in which they have a personal interest.

In cases where the interest arises because you are a school governor then you should take no part in the handling of any complaints about the admissions decisions of that governing body and its appeal panel and of any governing body or appeal panel(s) in the area of the local education authority in which the school you are a governor is located. If you are a governor of a religious school, you are disbarred from handling complaints about religious schools within the same diocese (or other religious administrative area).

Where the member of staff is an Assistant Ombudsman, the complaint will be allocated to another team. Where the member of staff is the Director, of Operations arrangements will be made to ensure that the Director of Operations takes no part in the consideration of the complaint.

Where the interest is in an individual complaint, the declaration of interest should be recorded on the complaint file. Where there is an interest in all complaints about one or more authorities, a record will be kept on your personal file.

Working for other organisations

The Commission does not wish to prevent you taking work, whether paid or voluntary, outside your duties with the Commission, provided that the outside work does not harm or conflict with the work of the Commission.

You must tell your line manager (or a member of the senior management), in confidence, and before making any commitment of any outside work (including public service eg as a JP or a school governor).

The Commission reserves the right to instruct any member of staff not to do outside work which it considers harmful to its interests. 'Harmful' in this context includes outside work which could give rise to a conflict of interest in the investigation of a complaint or otherwise jeopardise public confidence in independence and impartiality of the Ombudsman or the Commission. It also includes outside work which would, in the Commission's view, have a negative impact on the individual's ability to perform their job effectively.

Personal relationships

Where you work with colleagues to whom you are related or are involved in a personal relationship, and a potential conflict of interest arises, you have a duty to advise your manager of this. Your manager will carry out a risk assessment and action will be taken to remove or minimise any risks.

Political activities

You are free to engage in political activity outside work, provided that this activity is carried out only outside working hours and in your own time and provided also that the activity does not:

- interfere in any way with your work for the Commission, and
- jeopardise public confidence in independence and impartiality of the Ombudsman or the Commission.

The Commission has decided that it would be harmful to its interest for a senior manager (Chief Executive Officer or Director of Operations) to participate in any political activity relating to bodies in the LGO's jurisdiction.

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