



CONFLICTS OF INTEREST

STAFF GUIDANCE NOTE

Approved by the Council of Ministers

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What is a conflict of interest?

Public service staff must demonstrate the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of the Department, Board or Office concerned, must always be declared. A conflict of interest arises when a member of staff might reasonably be perceived by a member of the public to be likely to be biased, partial, or otherwise personally interested in the outcome of dealings between citizen, business or organisation and the Government.

There is always the possibility for real or perceived conflicts of interest to arise. Both are potentially a problem, as the perceived inference of a conflict may, on occasions, be as damaging as the existence of a real conflict.

It is important, therefore, that you consider your circumstances and identify any potential conflicts of interest, whether real or perceived.

Surely a perceived conflict is not a problem, as long as I act impartially at all times?

The integrity of the member of staff is not in question here. However, it is necessary for the standing of the individual and the Isle of Man Government that members of the public have confidence in their independence and impartiality. Even a perceived conflict of interest can be damaging to the Government's reputation and it is therefore essential that these are declared and explored in the same way as an actual conflict would be. The fact that a member of staff acted impartially may be no defence against accusations of potential bias. However, within a compact jurisdiction such as the Isle of Man, it is important to be appropriately robust and not overly sensitive.

The test which should be applied in relation to a potential case of perceived bias is:

"whether the ascertained relevant circumstances would lead a fair-minded and informed observer to conclude that there is a real possibility that the decision-maker was biased."

However, decisions taken in a compact jurisdiction such as ours, whilst being appropriately robust, should not be overly sensitive.

What should I do if I think I have a conflict of interest?

You should make your line manager aware of any potential issue in which you are involved where you could have an actual, or perceived, conflict of interest.

If you are unsure if your circumstances constitute a possible conflict, you should still inform your line manager, in order that it can be addressed if necessary.

You may find it helpful to set your concerns down in writing and to ask your line manager for a meeting to discuss the matter. Your line manager may wish to seek further advice from the Chief Secretary's Office or the Personnel Office.

What happens if I do not declare a known conflict, which is then discovered later?

If you have a conflict of interest which you do not declare, you are compromising your own integrity and that of the organisation. If the conflict comes to light later, the matter may need to be investigated in accordance with the disciplinary process.

Areas where a conflict could arise

Conflicts of interest could arise in a variety of ways and it is for the officer to be alert to his own situation. It would not be possible to list all the ways in which a conflict of interest might arise however, there are a number of main issues, which could lead to real, or apparent, conflicts of interest. These are:

- Relevant financial or other interests outside of the Department, Board or Office for which you work;
- Relationships with parties/organisations which could lead to split loyalties, real or perceived;
- Knowledge of emerging Government Policy which could give unfair personal advantage to individuals or groups with allied business interests – for example, access to privileged information eg trade secrets or commercially confidential information;
- Perception of rewards in return for favours;
- Family relationships;
- Area of residence;
- Membership of some societies or organisations.

In other words, no one should use, or give the appearance of using, their public position to further the private interests of themselves, their families or organisations

in which they may have an interest. This is an area of particular importance, as it is of considerable concern to the public and could receive media or other attention.

The above are examples only, so you should consider carefully your own circumstances to gauge whether or not a real, or perceived, conflict might exist.