



Policy on Declarations of Interests by Advisory Panel and Audit & Risk Assurance Committee Members

1. Introduction

- 1.1 It is important that Members of the Advisory Panel and Audit & Risk Assurance Committee act impartially, are seen to act impartially and that their personal interests do not impact upon the public's perception of PSOW independence and impartiality as an organisation. To support this, PSOW operates a clear policy on Declarations of Interests.

2. The Register of Interests

- 2.1 Members of the Advisory Panel and Audit & Risk Assurance Committee should declare any personal, political or business interests which may conflict with their responsibilities as Members or be perceived as impacting upon the independence and impartiality of PSOW. These should be identified at an early stage so that they can be disclosed and published and/or, where appropriate, resolved.
- 2.2 A Register of Advisory Panel and Audit & Risk Assurance Committee Members' interests will therefore be maintained. This will list any personal interests (for example, arising from a Member's employment, business, land ownership or company in which the Member has a beneficial interest), which colleague Members, PSOW staff, or members of the public might reasonably think could influence judgements. It will also include non-financial interests of Members (for example, interests arising from clubs or other organisations), political affiliations or membership and the interests of close family members, any person living in the same household as the Member or any person with whom the Member may have a close personal association, where these relate closely to the PSOW's activities.
- 2.3 Members will be asked to complete the PSOW's 'Declaration of Interests' form on an annual basis. When completing the form, as well as declaring current interests, Members are required to declare relevant past interests held during the two years prior to their appointment to the PSOW Advisory Panel and/or Audit & Risk Assurance Committee. Members are also required to update their declarations as changes occur and they should inform the Secretary of the Advisory Panel accordingly. This will enable the Secretary to ensure that the Register is kept up-to-date.

- 2.4 Given the nature of the role of a Member, there are restrictions on Members being appointed to, or employed by, a body within the Ombudsman's jurisdiction, particularly in any senior or executive role. Where a Member is appointed to sit on a board or committee as an independent external member in a scrutiny capacity (for example, on an audit committee) or to a Board role, this may be agreed where the Ombudsman is satisfied that no conflict with either the Advisory Panel or Audit & Risk Assurance Committee role arises. However, this would be at the discretion of the Ombudsman on a case by case basis.
- 2.5 Members applying for such roles on bodies falling within the Ombudsman's jurisdiction are advised to discuss the potential conflict in advance of accepting new appointments, should it be their wish to remain on the PSOW's Advisory Panel and/or Audit & Risk Assurance Committee. When a member accepts a role in a body in PSOW's jurisdiction, they must immediately update their Declaration of Interests form which is published on the PSOW's website, and, if any discussions at Advisory Panel or Audit & Risk Assurance Committee meetings concern the body of which they are a member, they must also declare their interest at the meeting and withdraw from the meeting for the duration of the discussion.
- 2.6 Whilst Members have no role in operational matters, in view of the PSOW's role in independently investigating Code of Conduct complaints, Members wishing to engage in political activities should first seek advice from the Ombudsman and the Chief Legal Adviser who will consider each case on its merits, having regard to both the member's human rights and the need for the PSOW to remain politically neutral. If any conflict of interest or reasonably foreseeable potential damage to the PSOW's reputation arises from a member's involvement in political activities, the Ombudsman will agree with the Member how the conflict is to be handled. Any membership of a political party should be declared openly on the Declaration of Interests form (in accordance with paragraph 2.2. above).
- 2.7 Members are also expected to review their Declaration of Interests forms annually, on or before 1 April each year to ensure that up to date information is published on the PSOW's website.
- 2.8 Members should not participate in the discussion or determination of matters in which they have a personal interest which a member of the public, knowing the relevant facts, might reasonably think would influence their judgement on the matter.
- 2.9 In other cases Members should consider, in consultation with the Ombudsman or Chief Legal Adviser as appropriate, whether participation in the discussion or determination of a matter would suggest a real danger of bias or a perception of bias on the part of a well-informed member of the public. This should be interpreted in the sense that Members might unfairly regard with favour, or disfavour, the case of a party to the matter under consideration. In considering

whether a real danger of bias or a perception of bias exists in relation to a particular decision, Members should assess whether they, a close family member, a person living in the same household as the Member, a close personal associate or a firm, business or other organisation with which the Member is connected are likely to be affected more than the generality of those affected by the decision in question. This would cover, for example, a decision to invite tenders for a contract where a firm with which a Member was connected was significantly better placed than others to win it.

- 2.10 Where, in accordance with the above, Members do not participate in the discussion of determination of a matter, they should withdraw from the meeting. This is because the continued presence of someone who had declared an interest might be thought likely to influence the judgement of the other Members present.
- 2.11 If any complaint is made about a member of the Audit & Risk Committee or Advisory Panel concerning their conduct in connection with their role as an independent member of ARAC or Advisory Panel, this will be considered personally by the Ombudsman.
- 2.12 A failure on the part of a member to comply with this Policy which has (or has the potential to) damage PSOW reputationally, may lead to the Ombudsman terminating the member's position on ARAC or the Advisory Panel without notice and with immediate effect.

3. Declarations of Interests at Advisory Panel/Audit & Risk Committee Meetings

- 3.1 Even though the Secretary holds the Register of Interests, Members of the Advisory Panel and those of the Audit & Risk Assurance Committee should declare their interests at all meetings where matters being discussed, or to be discussed, affect their interests (or that of family). To assist in this matter, the first agenda item of every meeting will be 'Declarations of Interest', so that Members have an opportunity to declare any potential conflict of interests arising from any of the business items on that particular meeting's agenda.
