



Conflict of Interest Policy

Policy owner	A Thirsk, HR Manager
Approved by	Policy Reference Group
Approved on	8 September 2022
Implemented	February 2002
Version	4
Amended	September 2022
Next review	September 2025

Conflicts of Interest Policy

Overview of Policy

This document outlines Cafcass' policy on conflicts of interest as they arise both in terms of case work and any independent work carried out by Cafcass employees as well as other potential conflicts of interest that might arise in the course of an individual's duties.

1.0 Application of Policy

1.2 This policy applies not only to an actual and apparent, conflict of interest but also when a third party, particularly a party to proceedings, perceives or could reasonably perceive that a conflict of interest exists.

1.3 The policy covers two areas in which conflicts of interest may arise. The first of these is in relation to social work practice in particular cases and applies to social work staff and social work managers and is covered in the relevant section of the Family Procedure Rules (2010). These are dealt with in Section 2 and 3 of this policy.

1.4 The second area covers all other areas of organizational activity and covers all Cafcass staff. These are dealt with in Section 4 of this policy. While it is not possible to list all potential types of Conflict of Interest that may fall into this category the following definition is provided by the National Audit Office and is adopted in relevant guidance from Government:

"A set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. It can occur in any situation where an individual or organisation (private or government) can exploit a professional or official role for personal or other benefit. Conflicts can exist if the circumstances create a risk that decisions may be influenced, regardless of whether the individual actually benefits. The perception of competing interests, impaired judgement or undue influence can also be a conflict of interest."

2.0 Conflicts of Interest in Social Work Practice

2.1 Situations where a conflict of interest is likely to arise in a particular case include (but are not limited to) those where a practitioner:

- (a) is related to or in a relationship with a witness, expert or lawyer involved in the case;
- (b) where the practitioner or someone close to the practitioner knows a member of the family personally;
- (c) undertakes voluntary or paid work for, or has a financial involvement with, an organisation (e.g. contact centre) involved in the case;
- (d) is a member of, or has acted as advisor to, the board of an organisation (e.g. a mother and baby unit) involved in the case; or
- (e) sits as a magistrate in the family proceedings court where the case is being heard.

2.2 A conflict of interest will arise if there is no adherence to rule 16.36(1) of the Family Procedure Rules 2010. This rule sets out who may not be appointed as a children's guardian, reporting officer or children and family reporter in specified proceedings (including placement proceedings) and in adoption proceedings. The rule refers to any individual who:

- (a) is a member, officer or servant of, a local authority which, is a party to the proceedings;
- (b) is, or has been, a member, officer or servant of a local authority, voluntary organisation, who has been directly concerned in that capacity in arrangements relating to the care, accommodation or welfare of the child during the five years prior to the commencement of the proceedings; or
- (c) was a serving probation officer who has, in that capacity been previously concerned with the child or the child's family.

2.3 The circumstances set out in 2.2. mean that there would be a prohibition on an FCA being employed as a foster carer by a local authority and then being appointed as guardian in a case in which that same local authority was a party, as there would be a conflict of interest in terms of their employment for an organisation from which they were expected to be independent. The same prohibition may also arise in respect of an FCA who undertakes work as an independent social worker for a local authority who is a party. Note also that there must be adherence to the general responsibilities set out in 3.1 and 3.2 below.

2.4 The prohibition on working as a foster carer described above does not apply to Service Managers or Practice Supervisors involved in the supervision of casework, save for circumstances where they are appointed as a Children's Guardian in the case.

2.5 Where a practitioner has not been directly involved in a case but has some knowledge of a case as a result of a previous professional role, this may potentially create a conflict of interest.

2.6 A conflict of interest may also arise in the event that the FCA is a complainant or a witness in a criminal or civil case which also relates to one or more of the parties.

2.7 Conflicts may also arise where a member of staff is not in a social work practice role but is related to or knows someone who is a party in a case or is a family member of someone involved in a case.

3.0 How we seek to avoid conflict of interest in social work practice

3.1 The Practitioners Duty

3.1.1 It is the personal and professional responsibility of all Cafcass practitioners, whether employed or self-employed, to be alert to actual or perceived conflicts of interest which may prevent them from working in any particular case or which might make them unsuitable to do so.

3.1.2 A practitioner must declare any conflict of interest to the manager immediately when the practitioner becomes aware of it. If a conflict of interest arises during a case, the practitioner must declare it not only to the court but also to the manager.

3.1.3 If Cafcass applies to court for the termination of a practitioner's appointment in proceedings as a result of a conflict of interest having arisen, the practitioner must co-operate with that application.

3.2 The Managers' duty

3.2.1 A manager¹ must not allocate work to a practitioner if undertaking the work would cause a conflict of interest for the practitioner. Even if no conflict exists at the time of the allocation,

managers must be alert to the possibility of a conflict arising at a later point. If a conflict does later arise, the manager must consider whether to take action to have the practitioner replaced. If the practitioner has been appointed as a children's guardian this may mean an application to the court with reasons being given for the conflict.

3.2.2 It is the responsibility of the Manager to consider the likelihood of a conflict of interest when asked to approve a practitioner's request to undertake independent work.

3.2.3 If a perceived conflict of interest is raised the manager should consider whether such a perception is justified and if so should raise it with the court or children's solicitor and, consider whether reallocating the case is necessary.

4.0 Other Potential Conflicts of Interest

4.1 Actual, apparent or perceived conflicts of interest are not limited to social work practice and may also arise in the conduct of an individual's duties in any other organisational function or activity. All Cafcass employees are Public Servants and as such should at all times conduct themselves with honesty and integrity, acting in line with relevant Cafcass policies and the organisational values.

4.2 Undertaking other paid or voluntary work (including self-employment) will not automatically create a conflict of interest, although there are some special considerations for working as a foster carer or independent social worker which are addressed in Section 2 above. However, all staff must comply with the relevant terms of their contract of employment which requires that permission to be engaged directly or indirectly by another organization must be sought.

4.3 Situations in which a conflict of interest may arise include (but are not limited to) the following examples:

- (a) Undertaking paid or voluntary work or otherwise engaging with other organisations or individuals whose values or interests do not align with Cafcass values or interests.
- (b) Accepting gifts, hospitality, or other benefits not properly declared and which might lead to perceptions or expectations of favourable treatment or might reasonably be seen to compromise judgement or integrity.
- (c) Failing to declare relationships with candidates during employment selection processes.
- (d) Failing to declare relationships with individuals who are a party to a Cafcass case.
- (e) Failing to declare any interest or relationship in the award of contracts for goods or services.
- (f) Being subject to undue influence or pressure or failing to act with impartiality when making decisions involving finance, resources or employment of self or others, or the appearance of the same.

4.4 All Cafcass staff are required by their contract of employment to obtain written consent to undertake other work. Where a conflict of interest arises in relation to undertaking other work then the normal approach in deciding on suitable mitigation or other action will be premised on the individual's role with Cafcass being their primary employment.

4.5 It should be noted that where any of the above occurs with the intention of making a personal gain or exposing the organization or an individual to loss this may also amount to an

act of fraud, bribery or corruption. However, an act of fraud, bribery or corruption does not need to have been committed for a conflict of interest or the appearance of such a conflict to arise. Matters of fraud, bribery and corruption will be managed in accordance with the [Employee Relations Policy](#) and the [Anti-Fraud Policy](#). Any offer of gifts or hospitality should only be accepted in accordance with the [Gifts and Entertainment Policy](#).

5.0 Compliance with this Policy: Declaration of Conflicts of Interest

5.1 All members of staff, regardless of role are responsible for declaring any potential or actual conflicts of interest that may arise and to do so at the earliest opportunity. Where appropriate they should remove themselves from any relevant tasks or decision making or may be directed accordingly. A failure to do so may be considered as a breach of this policy.

5.2 Conflicts of interest arising in relation to social work cases should be reported and handled as set in section 2 of this policy. All other conflicts of interest or potential conflicts of interest should be reported by the member of staff to their manager using the form at Appendix 1 to this policy. The form should then be reviewed and completed by the manager, including a record of decisions taken. The completed form should then be sent to the HR inbox HR@cafccass.gov.uk in order that a copy can be placed on file and the disclosure added to a central register. Human Resources will be responsible for maintaining a central register of all reported conflicts of interest from employees. Separate arrangements are in place for Board Member declaration of interests and for Gifts and Hospitality

Version Number	Date	Change/Event
4.0	September 2022	Updated and expanded to include all areas where potential conflict of interest may arise, not just within social work cases. Includes further explanation regarding undertaking other work or voluntary activity. Includes declaration of interest form and maintenance of a register of interests.

Appendix 1 – Declaration of Conflict of Interest Form

This form should be used by any member of staff to report conflicts of interest, whether actual, potential or perceived which do not relate to specific social work cases. The member of staff should complete relevant sections in part 1 of the form and provide this to their manager at the earliest opportunity once the conflict of interest is identified. The manager should review the information and decide on any action that needs to be taken and record this in Part 2 of the form.

Part 1 – to be completed by member of staff

Name:

Job Title:

Service Area/Function:

Date:

What is the nature of the interest being declared?

Tick all that apply	Nature of Interest	Notes/Examples – these are not exhaustive but are included for illustration
	Financial Interests	Holding shares or other investments in companies which Cafcass has dealings with. Receiving other income, payments or other financial benefits from third parties which relate to the work you do as part of your employment with Cafcass. Receiving tax allowances or taxable benefits which are not appropriately reflected through PAYE/Cafcass payroll.
	Commercial Interests	Sharing of Cafcass intellectual property or use of Cafcass resources for personal gain or for the benefit of third parties. Involvement with third parties who provide goods/services to Cafcass or are bidding/tendering to do so.
	Personal Interests	Having family members who also work for Cafcass or engaging in relationships with other employees. Having relatives or relationships with employees of other organisations which Cafcass works with or obtains goods and services from. Having family members or relationships with someone who is a party in a case.
	Employment Interests	Other paid employments which do not align with Cafcass values or impact on ability to undertake Cafcass role effectively, involvement in recruitment of family members or personal acquaintances.
	Gifts and Hospitality	Acceptance of gifts, hospitality, or other benefits not properly declared and which might lead to perceptions or expectations of favourable treatment or might reasonably be seen to compromise judgement or integrity.
	Political Interests	Involvement in political groups or activities which are not aligned with Cafcass' status as an arms-length body.

Please use the following box to provide a summary of the situation and explain why you believe this gives rise to a conflict of interest.

Part 2 – to be completed by line manager

Name:

Job Title:

Service Area/Function:

Date:

Having reviewed the information above and discussed this with your member of staff, which of the following statements most accurately or appropriately describes your assessment of the situation?

Tick	
	There is no conflict of interest and no potential for a conflict to arise – no further action is required.
	There is no conflict of interest and no potential for a conflict to arise, however there is the potential for a conflict to be perceived to exist. Action may be required to address this.
	There is no conflict of interest, however the circumstances do create the potential for a conflict to arise in the future. Action is likely to be required to prevent this from happening.
	A conflict of interest exists and action will be required to address this.

Please use the following box to summarise the action you are taken/have agreed with the member of staff to address the conflict of interest or to prevent a conflict of interest arising.

Once completed please send this form to HR@cafcaass.gov.uk . A copy will be retained on personal file and added to the register of declared interests.