



## CONFLICT OF INTEREST POLICY

(TRUSTEES and ALL STAFF)

---

This policy applies to trustees and all staff, and should be read in conjunction with the attached declaration of interests form.

### 1.1 Why we have a policy

Trustees have a legal obligation to act in the best interests of the charity, and in accordance with the charity's governing document. Staff and volunteers have similar obligations. Conflicts of interests may arise where an individual's personal or family interests and/or loyalties, political, business and financial interests conflict with those of the charity. Such conflicts may create problems; they can:

- Inhibit free discussion
- Result in decisions or actions that are not in the interests of the charity; and
- Risk giving the impression that the charity has acted improperly.

The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

### 1.2 The Declaration of Interests

Accordingly, we are asking the trustees and all staff to declare their interests, and any gifts or hospitality received in connection with their role in the charity. A declaration of interests form is provided for this purpose, listing the types of interest you should declare.

To be effective, the declaration of interests needs to be updated at least annually and also when any changes occur.

If you are not sure what to declare, or whether / when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact your line manager and/or the Chair of Trustees, as appropriate, for confidential guidance.

Interests will be recorded on the charity's register of interests, which will be maintained by the company administrator. The register will be accessible to trustees and senior members of staff.

### 1.3 Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that trustees and all staff act in the best interests of the charity. The information provided will not be used for any other purpose.

### 1.4 What to do if you face a Conflict of Interest

If you are a user of the charity's services, or the carer of someone who uses the charity's services, you should not be involved in operational decisions that directly affect the service that you, or the person you care for, receive. You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if you face a conflict for any other reason.

You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal.

If you fail to declare an interest that is known to your line manager and/or the Chair of Trustees, the line manager or chair will declare that interest on your behalf.

### 1.5 Decisions taken where a Trustee or member of Staff has an interest

In the event of the Board of Trustees having to decide upon a question in which a trustee or member of staff has an interest, all decisions will be made by vote, with a *simple majority / two-thirds majority* required. A quorum must be present for the discussion and the decision; interested parties will not be counted when deciding whether the meeting is quorate. Interested Board of Trustees members may not vote on matters affecting their own interests.

All decisions under a conflict of interest will be recorded by the company secretary, and reported in the minutes of the meeting. The report will record:

- The nature and extent of the conflict
- An outline of the discussion
- The actions taken to manage the conflict

Where a trustee benefits from the decision, this will be reported in the annual report and accounts in accordance with SORP2000 (the manual for producing charity reports and accruals accounts).

Independent external arbitration will be used where conflicts cannot be resolved through the usual procedures.

### 1.5 Managing Contracts

If you have a conflict of interest, you must not be involved in managing or monitoring a contract in which you have an interest. Monitoring arrangements for such contracts will

include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

*This policy is intended as a statement of intent and does not constitute a binding contractual or personal agreement. But it will be monitored and revised in the light of service user, staff or volunteer experience, or comments and any operational changes and legislative or other external considerations. Interpretation and any matters not specifically covered by the policy will be decided by the Chief Officer and / or Trustees.*

Policy Approved by Board of Trustees: 13<sup>th</sup> October 2011

Revisions approved: 14<sup>th</sup> August 2014

Review Date: March 2015

*If at any time it seems appropriate to review the policy sooner than the review date, such as through a change in the law, then this should be done without delay.*

## Appendix A



### Declaration of Interests Form

I \_\_\_\_\_ in my capacity as an Employee, Trustee or Volunteer of South Lakeland Mind (delete where necessary) have set out below my interests in accordance with the organisation's *Conflict of Interest Policy*.

Category	<i>Please give details of the interest and whether it applies to yourself or, where appropriate, a member of your immediate family or some other close personal connection.</i>
Any employment in which you continue to have a financial interest.	
Appointments (voluntary or otherwise) e.g. trustee, director, councillor, tribunal panel member, etc.	

*Issue Date: August 2014*

*Review Date: March 2015*

Membership of any professional bodies, special interest groups or mutual support organisations.	
Investments in unlisted companies, partnerships and other forms of business, major shareholdings and beneficial interest.	
Gifts or hospitality offered to you by external bodies and whether this was declined or accepted in the last twelve months.	
Any contractual relationship with the charity or its subsidiary.	

To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purposes.

Signed: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_