

**Policy on CONFLICT OF INTEREST**

Document Details

Version 3

Date Issued October 2018

SIGNED Date 03/03/2022

Scheduled Review March 2023

**Policy Statement**

This company conflict of interest policy applies to all prospective or current employees of Spectrum Days and Trustees as well as independent contractors and persons acting on behalf of the Spectrum Days.

Conflict of interest may occur whenever an employee’s interest in a particular subject may lead them to actions, activities or relationships that undermine the company and may place it to disadvantage.

**This policy applies to TRUSTEE BOARD MEMBERS AND ALL STAFF.**

**Principles.**

The key principles to any effective policy are as follows:

* **Define a conflict of interest in relation to your organisation**: Would there have to be some personal or financial interest for a board member/employee for a conflict of interest to be considered or would historical connection to the beneficiary of a decision be sufficient to trigger the procedures.
* **Consider the future likelihood of such conflicts**: Is the conflict of interest likely to be exceptional in which case the person’s membership of the decision-making body is unproblematic, or would it be so frequent that it might be best to consider alternative membership of the council.
* **Agree the method of declaring an interest:** This may be a written declaration completed annually. Alternatively, it may be a declaration at or before the meeting at which the decision in question will be considered.
* **Agree the method of addressing the conflict:** Again, there are numerous ways of addressing a conflict of interest. The person in question might absent themselves completely from all consideration, or they may participate in the discussion but not the decision.

**The Policy.**

Board Members have an obligation to act in the best interests of the board of trustees, and in accordance with the Board of Trustees’ governing document. Staff and volunteers have similar obligations. Conflicts of interests may arise where an individual’s personal or family interests and/or loyalties conflict with those of the Board of Trustees.

Such conflicts may create problems; they can:

* Inhibit free discussion;
* Result in decisions or actions that are not in the interests of [the board of trustees]; and
* Risk the impression that [the board of trustees] has acted improperly.

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

**The declaration of interests**

Accordingly, we are asking all staff and board members to declare their interests, and any gifts or hospitality received in connection with their role in the board of trustees. 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 contact the Chief Executive or if the Chief Executive is implicated please seek guidance from the Chair of Trustees. Interests will be recorded on the board of Trustees’ register of interests, which will be maintained by the Chair of Trustees. The register will be accessible by the Board of Trustees.

**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 Board Members and all staff act in the best interests of the board of trustees. The information provided will not be used for any other purpose.

**What to do if you face a conflict of interest**

If you are a member of Spectrum Days services, or the carer of the member, you should not be involved in decisions that directly affect the service that you, or the person you care for, receive(s). 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 the board of trustees and/or the chairman of the board, the trustees or chairman will declare that interest.

**Decisions taken where a board member or member of staff has an interest**

In the event of the board having to decide upon a question in which a Board Member or member of staff has an interest, all decisions will be made by vote, with a SIMPLE MAJORITYrequired. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate.

Interested board members may not vote on matters affecting their own interests. They [must absent themselves from the discussion.] [may participate in the discussion but not the decision-making process].

All decisions under a conflict of interest will be recorded by [the board of trustee’s 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.

A *de minimis* exemption ***De minimis*** is a [Latin](https://en.wikipedia.org/wiki/Latin) expression meaning "about minimal things" applies to contracts less than £? in value. Random checks against the register of interest will be made on the award of contracts below this value. If the cumulative value of a series of small contracts exceeds [£………], the Board Member will operate the policy used for individual contracts over that sum. I guess it means business contracts. Say I was married to RE and the amount we settled on was £500 a month, so £6,000 per annum, would be our De minimis.

A de minimis exemption applies to individual contracts less than £100 a month or £1200 per annum.

The *de minimis* exemption does not apply to contracts of employment with the board of trustees.

Independent external moderation will be used where conflicts cannot be resolved through the usual procedures. [through an independent arbitration service].

**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.

**Related Policies.**

Bribery and Corruption

Duty of Candour

Data Protection Legislative Framework (GDPR)

Fit and Proper Persons – Directors

Position of Trust