

Conflict of Interest Policy

This policy applies to: Trustees

Staff

Volunteers

1. Why we have a Policy

This policy applies to trustees, managers and any staff involved in making decisions. Trustees also have a legal obligation to act in the best interests of AvMA, and in accordance with AvMA's governing document, and to avoid situations where there may be a potential conflict of interest.¹ Trustees, staff and volunteers must adhere to this policy. Failure to do so may result in disciplinary action.

2. What is a conflict of interest and what issues does it raise?

A conflict of interest is any situation in which a trustee or staff member's personal interests, or the interests that they owe to another body, may (or may appear to) influence or affect that person's decision making.

It is likely that conflicts of interest will occur. This policy is to ensure the appropriate management of any potential to profit from a person's position as trustee or staff member. Even the appearance of a conflict of interest can damage the charity's reputation, so conflicts need to be managed carefully.

Such conflicts may create problems. They can:

- inhibit free discussion
- result in decisions or actions that are not in the interest of AvMA
- risk the impression that AvMA has acted improperly

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

Common types of conflict include:

- direct financial interest, when someone obtains a direct financial benefit, for example via:
 - the payment of a salary to a trustee by the charity
 - the award of a contract to a company with which someone is involved

¹ Further guidance can be found in the Charity Commission's Operational Guidance Trustee Responsibilities and the ICASA's guidance note on conflict of interest policy, declaration form and register of interests.

- indirect financial interest, when a close relative of someone benefits from the charity
- for example, the awarding of an employment contract to the spouse of a trustee or member of staff
- non-financial or personal conflicts where trustees or staff receive no financial benefit, but are influenced by external factors:
 - influencing decisions on service provision to their own advantage, perhaps because they use the charity's service themselves or care for someone who does
 - awarding contracts to friends
- conflicts of loyalties, where trustees may have competing loyalties between the charity to which they owe a primary duty and some other person or entity.

3. The Declaration of Interests

Newly appointed managers and trustees must complete an initial declaration. To be effective, these declarations need to be updated at least annually (to coincide with the AGM), and also when any changes occur.

To be effective, these declarations need to be updated at least annually, and also when any changes occur. It is your responsibility to advise the Chief Executive, if a trustee, or your line manager, if employee or volunteer, of any potential conflict of interest when you become aware of it. All declarations will be reviewed by the chief executive and declarations will be kept by the chief executive who will take any necessary action and/or discuss with the chair as appropriate. A register will be maintained of all declarations. The register will be accessible by trustees and managers.

If you are not sure what to declare, or whether/when your declaration needs to be updated, you must err on the side of caution. If you would like to discuss this issue, contact the Chief Executive or your line manager for confidential guidance. In the case of trustees, the Chair is also in a position to advise.

All staff and trustees must confirm they understand AvMA's policy on offers of gifts/hospitality/entertainment², which is also designed to help avoid any conflict of interest or perception thereof. Gifts of over £25 or hospitality of over £100 in value will be recorded alongside the conflict of interest declaration.

4. Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 2018. Data will be processed only to ensure that trustees and all staff act in the best interests of AvMA. The information provided will not be used for any other purpose.

² Refer to AvMA's policy on Gifts and Hospitality

5. What to do if you face a Conflict of Interest

As set out above, all actual or potential conflicts of interest must be declared. A failure to declare a conflict of interest or gift may lead to disciplinary action.

If you fail to declare an interest that is known to the Chief Executive and/or the Chair of the Board, the Chief Executive or Chair will declare that interest.

Whilst AvMA's online advice and information is available to anyone, a volunteer, staff member or trustee who wishes to use AvMA's other services themselves or on behalf of someone close to them should check first of all with the Medico Legal Director. Any decision on access to such services must be made objectively on the normal criteria and not put that person at an advantage over beneficiaries with no official connection with AvMA.

If you have cause to use AvMA's services yourself, or have a close family member or are the friend of someone who uses AvMA's services, you should not be involved in decisions that directly affect the service that you or they receive and you should bring this relationship to the attention of the Medico Legal Director. The same applies to discussions or decisions about policy or strategy where the outcome may advantage or disadvantage another organisation with which you or a close family member, partner or friend are involved. 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.

6. Decisions where a Trustee or Member of Staff has an Interest

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

All such decisions will be recorded by the Charity Secretary (the Chief Executive) 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 a decision, this will be stated in the Annual Report and Accounts in accordance with the current Charities SORP.

All payments or benefits in kind to trustees will be reported in the charity's Annual Report and Accounts, with amounts for each trustee listed for the year in question.

Where a member of AvMA's staff is connected to a party involved in the supply of a service or product to the charity, this information will also be fully disclosed in the Annual Report and Accounts.

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

7. Managing Contracts

If you have a conflict of interest, you must not be involved in managing or monitoring a contract where this interest arises. Contracts where a trustee or member of staff has such an interest will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

Agreed at Council Meeting: 3rd July 2019

To be reviewed:	2022
Lead Committee:	Executive Committee
Related Policies:	- Gifts, Hospitality and Entertainment - Disciplinary Procedure