



# Conflict of Interests

## 1. Background

Abbeyfield The Dales Ltd (ATD) is committed to providing services that enhance the quality of life for older people and developing services that will meet the needs of future generations. This commitment is based on the Guiding Principles, Mission and Values of ATD.

## 2. Objectives

ATD will also comply with all relevant and current legislation. The aim of this policy is to:

- Protect both ATD and individuals involved from actual impropriety and the appearance of impropriety;
- Put into place a process which will ensure the integrity of decisions made by ATD staff and ATD's decision making processes in general and thereby, ensure that ATD's service users and members of the public have confidence in ATD's integrity and reputation; and
- Provide information and guidance to members of staff and volunteers on ATD's responsibilities, and those of its staff and volunteers in acting in ATD's best interests and how to identify and report any potential conflicts of interest members of staff and volunteers may have as soon as they become apparent and on how a conflict of interest will be managed.

## 3. Scope

This policy applies to all ATD staff, volunteers and contractors.

## 4. Policy

It is ATD's policy to conduct all its business in an honest, fair and ethical manner. To that end, it is important that all decisions which ATD makes in relation to its dealings and business relationships with third parties are fair and seen to be so.

### 4.1. Definition – What is a Conflict of Interest?

A conflict of interest may arise where an individual's personal or family interests and/or loyalties conflict with those of the charity. Such conflicts may create problems, and can:

- inhibit free discussion; and
- result in decisions or actions that are not in the interests of the charity; and risk the impression that the charity has acted improperly.

### 4.2. Conflicts will inevitably arise

It is inevitable that conflicts will arise, from time to time, between the interests of staff, volunteers and ATD's interests. It is important that when a conflict does arise or may arise, it is disclosed as soon as possible so that it can be managed properly.

### 4.3. Identifying Conflicts of Interest

There are several types of conflict. Typical examples include conflicts which lead to a direct or indirect financial gain for the individual and conflicts of loyalty. The transfer of information regarding residents and staff between staff members may also be an issue.

## **4.4. Roles & Responsibilities**

### **4.4.1. Chief Executive**

- Review of Risk assessment with the Business Support Manager.
- Annual review of the Conflict of Interests Register.

### **4.4.2. Business Support Manager**

- Reviewing all completed risk assessments with the Chief Executive.
- Logging all reported conflicts on the register of Conflict of Interests
- Annual review of the Conflict of Interests Register.

### **4.4.3. Managers**

- Completion of risk assessments on staff with a conflict of interest and reporting this to the relevant Senior Manager and Business Support Manager.

### **4.4.4. Staff & Volunteers**

- All ATD staff and volunteers must ensure that they read, understand and comply with this policy;
- The identification and disclosure of conflicts of interest is the responsibility of all ATD staff and volunteers;
- If a member of staff or volunteer has a conflict of interest that member of staff or volunteer must not be involved in managing or monitoring a contract in which he/she has an interest;
- If you become aware of any potential conflict(s) of interest, you must follow the Internal Procedure set out below (section 10); and
- Any member of ATD staff who fails to do so may face disciplinary action.

## **4.5. The Declaration and Register of Conflicts of Interests**

ATD staff and volunteers must declare their conflicts of interests when they arise, including gifts and hospitality received, and these will be recorded in the Register of Conflicts of Interests by their line manager who will also notify the relevant senior Manager. (see section 10)

Gifts must not be kept by the individual and must either be donated to a good cause or used for the benefit of an ATD house/home.

## **4.6. Relatives Working Within ATD**

Due to the information staff have exposure to within their role, confidentiality issues may arise when family members work for ATD in different departments as they are more likely to discuss work outside of ATD premises.

All staff must understand that the information they have access to in their role is relevant to them and any other applicable member of their department, and no one else. For example; a Carer MUST NOT discuss details of a resident's care plan with a member of the Finance Team as a resident's care needs is not relevant to any role within Finance, likewise, details of a residents rent arrears is not relevant to a carer.

All relatives working for ATD must complete with their line manager a Conflict of Interest Risk Assessment Form, which will outline the restriction place upon the member of staff.

## **4.7. ATD Trustees and Conflicts of Interest**

Trustees and members of Board Committees have a legal obligation to act in the best interests of the charity and in accordance with the governing documents. Staff and volunteers have similar obligations.

Trustees and members of Board Committees should declare their interests (on appointment or election or as soon as practicable), and any gifts or hospitality received in connection with their role in the charity. Trustees' interests will be recorded on the Register of Conflicts of Interests which will be maintained by the Compliance Manager. By law, as well as under the Articles, Trustees (as Directors of the Company) have a duty to avoid Conflicts of Interest.

If Trustees are not sure what to declare or whether/ when their declaration needs to be updated, they should err on the side of caution. Trustees should contact the Compliance Manager for guidance should they need to discuss the issue.

#### **4.8. Board Meetings**

Trustees must declare an interest at a relevant time before a meeting or when a potential or proposed matter in which they may have an interest, or a conflict arises. The Chair of the meeting shall make an announcement asking for declarations of interest at each meeting.

Trustees should apply the same standards regarding the declarations of interests and non-involvement in relevant business with ATD staff and volunteers and in informal business.

If the Trustee is a user of ATD's services or the carer of someone who uses ATD services, that Trustee should not be involved in decisions that directly affect the service that the trustee or the person they care for receive(s).

Trustees should declare their interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if the Trustee faces a conflict for any other reason. The Trustee may, however, participate in discussions from which they may indirectly benefit for example where the benefits are universal to all users or where their benefit is minimal.

#### **4.9. Decisions taken where a trustee has an interest**

The Articles set out the procedure to follow where decisions are taken where a Trustee has an interest. All decisions under a conflict of interest shall be minuted by the Business Support Manager.

#### **4.10. 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 volunteers and all staff act in the best interests of ATD. The information provided will not be used for any other purpose.

### **5. Finance, Value for Money & Social Value**

N/A

### **6. Supported Appendices**

APPENDIX 1: Register of Conflicts of Interest

APPENDIX 2: Summary Flowchart – Procedure for Staff

APPENDIX 3: Summary flowchart – Procedure for Trustees

### **7. Linked Policies**

Anti-Bribery (LG001P)

Gifts, Wills & Legal Matters (LG021P)

Data Protection (LG013P)

### **8. Legislation/Regulation**

Companies Act 2006

Charities Act 2011

## **9. Review**

Every 3 years, subject to any regulatory or legislative updates.

## **10. Procedure/Guidance**

### **10.1. The Declaration and Register of Conflicts of Interests**

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 volunteers and all staff act in the best interests of ATD. The information provided will not be used for any other purpose.

If a member of staff or volunteer has a conflict of interest, the individual must not be involved in any decision making relating to that particular situation.

If the member of staff or volunteer is not sure whether a situation gives rise to a conflict of interest, then they should raise that concern with their line manager. This applies whether the conflict is one which the member of staff or volunteer has with ATD or one which he/she believes another member of staff or volunteer has with ATD.

The line manager shall notify the relevant Senior Manager and Compliance Manager who will record the individual's concern in the Register of Conflicts of Interest. The senior Manager should ask the Compliance Manager and the Chief Executive for a decision on how to proceed.

If the individual's concern relates to his/her line manager, the individual must notify the relevant senior Manager who will then follow the procedure outlined above.

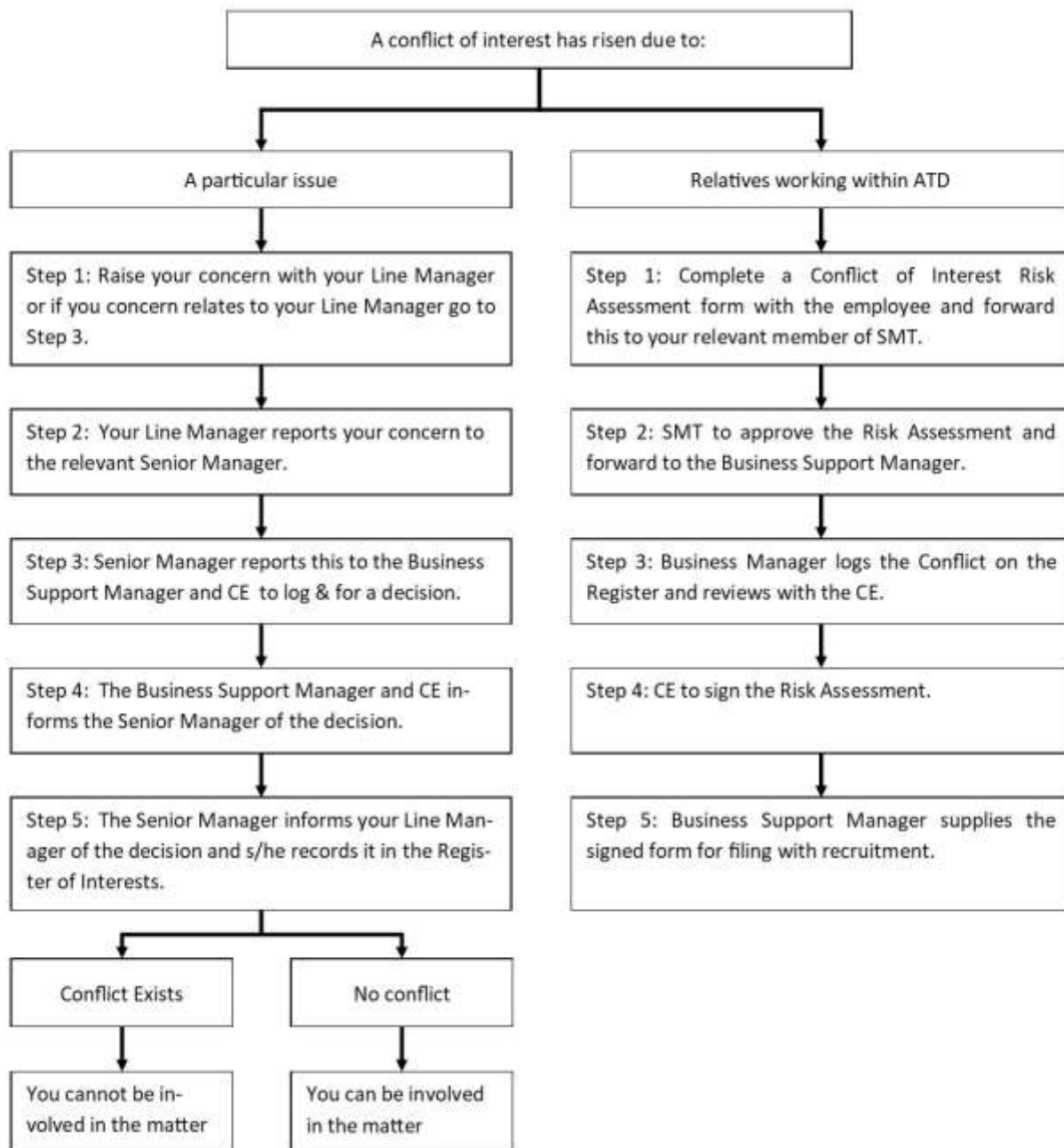
Once the Compliance Manager and Chief Executive have made their decision, the relevant senior manager will then be informed of that decision and the decision will be communicated by that senior manager to the individual. If the decision confirms that there is a conflict, then the individual cannot be involved on any decision making relating to that situation.

If the individual's concern relates to the Chief Executive the individual must notify the Compliance Manager who will present the potential conflict to the Chairman of the Board for further direction.

## APPENDIX 1: REGISTER OF CONFLICTS OF INTERESTS

DATE	DEPT	NAME	DESCRIPTION OF CONFLICT	DATE OF NOTIFICATION TO LINE MANAGER	DATE OF NOTIFICATION TO SENIOR MANAGER	DATE OF NOTIFICATION TO COMPLIANCE OFFICER & CEO	DECISION OF COMPLIANCE MANAGER & CEO

## APPENDIX 2: SUMMARY FLOW CHART – CONFLICTS OF INTEREST: PROCEDURE FOR STAFF



### APPENDIX 3: SUMMARY FLOW CHART – CONFLICTS OF INTEREST: TRUSTEES

