

Conflict of Interests (Staff & Volunteers)

1. Background

It is Abbeyfield the Dales' (ATD) policy to conduct all its business in an honest, fair and ethical manner. All decisions which ATD and its staff make in relation to residents, processes and its dealings, and business relationships with third parties are fair and seen to be so.

When competing interests impair our ability to make objective, unbiased business decisions we have a conflict of interest. A conflict of interest may arise where an individual's personal, family or romantic interests and/or loyalties conflict with those of ATD. They may take the form of financial interests in a supplier's or customer's business, recruiting a close family member or engaging in employment outside ATD, falsifying or withholding business critical information which may pose a risk to residents, staff and/or the successful operation of ATD.

Such conflicts may create problems, and can:

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

2. Objectives

ATD will 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 residents and members of the public have confidence in ATD's integrity and reputation.
- 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

4.1. Identifying Conflicts of Interests

It is inevitable that conflicts will arise, from time to time, between the interests of staff, volunteers and ATD's residents and 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.

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 they believe another member of staff or volunteer has with ATD.

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 (Section 4.3).

4.1.1. Examples

It is not possible to define all situations or relationships which may create a conflict of interest, so each situation must be evaluated individually. However, some of the more obvious conflicts include:

- Having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or ATD partner or is seeking to become one.
- A close family member (including children, in-laws, partner or spouse) having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or ATD partner, or is seeking to become one.
- Having a close or longstanding relationship/friendship with a business which either is a competitor, customer, supplier or ATD partner, or is seeking to become one.

4.1.1.1. Nepotism

Nepotism is when someone hires, promotes or otherwise provides special treatment in the workplace to a family member, partner or close friend. Nepotism is a conflict of interest because the family member, partner or friend may receive job 'perks' they don't necessarily qualify for. To prevent this from occurring, employees and managers can disclose the relationship and choose not to be a part of hiring or promoting for that individual or role.

Examples include, but are not limited to:

- A manager hires their nephew in a supervisory role even though their family member does not have any experience and other candidates are better suited for the position.
- A human resources professional choosing not to investigate a claim of inappropriate behaviour because the person the complaint is against is a personal friend of theirs.
- A manager advocates for their best friend's daughter to receive a promotion over other employees in the office who are better qualified.

4.1.1.2. Self-dealing

Self-dealing happens when an individual in a financial role at an organization uses their knowledge of company finances or their access to funds to benefit themselves over the objectives of the business. To avoid this conflict of interest, individuals can choose to remain neutral and act how they would without the knowledge they possess.

4.1.1.3. Insider Trading

Insider trading is when an individual has access to confidential information and uses that knowledge to further themselves or others they know. This is a common conflict of interest in the financial industry. An individual can avoid insider trading by continuing to act ethically and without bias or removing themselves from the role if they feel too strong of a temptation to act out of order.

4.1.1.4. Gifts & Hospitality

Gifts are another conflict of interest that occurs when staff accepts gifts from a resident, client, vendor or another person they have a business relationship with. While it may be an innocent exchange, ATD staff and volunteers must declare gifts and hospitality received and these will be recorded in the Gifts book at each site by their line manager.

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. For further information refer to the **Gifts, Will & Legal Matters (LG021P)** policy.

4.2. Confidentiality

Due to the information staff have exposure to within their role, confidentiality issues may arise when family members, partners and close friends 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.

It is the responsibility of line managers to identify whether the relationship could cause a conflict of interest in their duties.

4.3. Roles & Responsibilities

Actual conflicts of interest must be avoided and potential conflicts of interests carefully managed.

4.3.1. Chief Executive

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

4.3.2. Senior Leadership Team (SLT)

- Review of risk assessment and inform the Business Support Manager to update the Register of Conflict of Interests.

4.3.3. Business Support Manager

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

4.3.4. Recruitment Team

- Identify all disclosed conflicts in the New Starter Information Pack completed by the employee.
- Inform the line managers of all disclosed conflicts for review with the employee.

4.3.5. Managers

- Line managers must review all disclosed interests, discuss it openly and manage it so that employees do not become involved in or influence situations where actual conflicts of interest occur.
- Completion of risk assessments for staff with a conflict of interest and reporting this to the relevant member of SLT and Business Support Manager.

4.3.6. Staff & Volunteers

All ATD staff and volunteers must:

- Ensure that they read, understand and comply with this policy.

- Maintain the highest possible standard of integrity in all their business relationships, both inside and outside the organisation in which they work.
- Reject any business practice which might reasonably be deemed improper, including improper practices which might benefit ATD.
- Never use their authority or position for personal gain.
- At all times, act with impartiality, independence and integrity.
- Avoid being, or giving the appearance of being, in a position which may result in an actual or perceived detriment to ATD's reputation and/or interests.
- Disclose any actual or perceived conflicts of interest.
- Not be involved in managing or monitoring a contract in which they have an interest.

Failure to comply with this policy may result in disciplinary action and legal action being taken wherever appropriate.

4.3.7. Restrictions

Any staff with a known conflict of interest will not be permitted to engage in transactions on behalf of ATD with organisations or individuals with which you have an interest. All decision making and transactions with the organisation concerned will be handled and managed independently.

4.3.8. Other Employment

You will not be permitted to engage in transactions on behalf of ATD with organisations or individuals with which you have an interest. All decision making and transactions with the organisation concerned will be handled and managed independently.

4.4. Disclosures

You must disclose or seek direction from your line manager on any issues which may potentially conflict with your responsibilities to ATD. In all cases, individuals have a responsibility to assess the potential conflict. Actual or perceived conflicts of interest must be disclosed to the relevant Director and the Business Support Manager by the line manager.

4.4.1. Other Disclosures

If an individual's concern relates to:

- Their line manager, the individual must notify the relevant member of SLT who will then follow the procedure outlined.
- Their relevant member of SLT, the individual must notify the Chief Executive who will then follow the procedure outlined.
- The Chief Executive the individual must notify the Business Support Manager who will present the potential conflict to the Chair of the Board for further direction.

4.5. Decisions and implementing controls

The line manager shall notify the relevant member of SLT. The relevant member of SLT should ask the Business Support Manager and the Chief Executive for a decision on how to proceed.

Once the Business Support Manager and Chief Executive have made their decision, SLT will then inform the line manager of that decision along with any controls and measures which need to be put in place, and the information will be communicated by that line manager to the individual.

The line manager is then responsible for putting measure in place which will be monitored by SLT.

4.6. Recording and Monitoring of Conflict of Interests

Disclosures should be made to the Business Support Manager who will update the Register of Conflict of Interests.

The Register of Conflict of Interest and all associated risk assessments will be reviewed annually by the Chief Executive and Business Support Manager.

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

4.7. Further Advice

If it is unclear whether a conflict of interest exists or guidance following procedures is required contact the Business Support Manager or SLT.

5. Finance, Value for Money & Social Value

N/A

6. Supported Appendices

APPENDIX 1: Procedure for Staff Flowchart

7. Linked Policies

Anti-Bribery (LG001P)
Confidentiality, Privacy & Dignity (R005P)
Gifts, Wills & Legal Matters (LG021P)
Data Protection (LG013P)

8. Legislation/Regulation

Companies Act 2006
Charities Act 2011
Data Protection Act 2018 / UK General Data Protection Regulations (UK GDPR)

9. Review

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

10. Procedure/Guidance

APPENDIX 1: SUMMARY FLOW CHART – CONFLICTS OF INTEREST: PROCEDURE FOR STAFF

