

| | |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Name of Procedure: Conflict of Interest Policy Handbook Section & Code: Status: Approved : 2007 Review date: October 2015 |  |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|



Conflict of Interest Policy

This policy applies to trustees & should be read in conjunction with Richmond Borough Mind's (RB Mind's) Declaration of Interests & Trustee declaration form.

Why we have a policy

Trustees have a legal obligation to act in the best interests of RB Mind and in accordance with RB Mind governing documents.

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of RB Mind. Such conflicts may create problems; they can:

- inhibit free discussion;
- result in decisions or actions that are not in the interests of RB Mind;
- risk the impression that RB Mind 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 trustees to declare their interests, and any gifts or hospitality received in connection with their role in RB Mind. A declaration of interests form is provided for this purpose, listing the types of interests you should declare.

To be effective, the declaration 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 caution. If you would like to discuss this issue, please contact the Chair for confidential guidance.

Interests will be recorded on the charity's register of interests. The register will be accessible by all Trustees, the Chief Executive of RB Mind.

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 act in the best interests of RB Mind. 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 user of RB Mind services, or the carer of someone who uses RB Mind services, 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 in the meeting where the services are being discussed, even if you have already registered this interest in writing. You should 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.

You should not be involved in decisions where you have a financial interest, directly affects a service that you, or a person you care for, receive(s) or which creates a danger of bias, i.e. where the interest may affect you or a member of your family more than in general. You should declare the nature of your interest, even if you have already declared it in writing, and withdraw from the room, unless you are given a dispensation to speak.

A dispensation to speak will be agreed by the Board when they feel that your input is valuable. The Board will also agree how this input should be received, i.e. it may be decided that you state your case and then withdraw from subsequent discussion, or participate in the full discussion. The same will apply if you face a conflict for any other reason.

If you have any other interest which does not create a real danger of bias, but which might reasonably cause others to think it could influence your decision, you should declare the nature of the interest, but may remain in the room, participate in the discussion, and vote.

If you fail to declare an interest that is known to other members of the board, they will declare that interest.

Decisions taken where a trustee has an interest

In the event of the board having to decide upon a question in which a trustee has an interest, all decisions will be made by a vote as usual. The trustee with an interest which creates a real danger of bias will not be able to participate in a vote. This Trustee will not be counted in a quorum (one third of Trustees), which must be present for the discussion, decision and vote.

All decisions under conflict of interests will be recorded and reported in the minutes of the meeting. This report will include:

- The nature and extent of the conflict;
- The 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 SORP.

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

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.