



# CONFLICT OF INTEREST POLICY

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## 1. POLICY STATEMENT

The following policy outlines in detail the procedure for declaration of interests and applies to all staff working for the hospice as well as members of the board of Trustees and volunteers.

It should be noted that Trustees have a legal obligation to act in the best interests of the Hospice and in accordance with the Hospice's governing documents. Failure to act properly where there is a conflict of interest is a breach of the Trustees' legal responsibilities. Staff and volunteers have similar obligations. Conflict of interests may arise where an individual's personal, business or family interests conflict with those of Lindsey Lodge hospice.

## 2. THE AIM OF THE POLICY

The aim of the policy is to set out the procedure for handling conflicts of interest within the Trust and defines:

- What is a conflict of interest
- The Register of Interests
- The procedure for handling conflict of interests and sets out a procedure for how possible breaches should be addressed.

## 3. DEFINING A CONFLICT OF INTEREST

A conflict of interest is defined as a set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act regarding the hospice's best interests, is or could be impaired or influenced by another interest they hold. This could involve financial interests/non financial professional and/or personal interests.

A conflict of interest may be:

- Actual - there is a material conflict between one or more interests
- Potential - there is the possibility of a material conflict between one or more interests in the future.

Individuals may hold interests for which they cannot see potential conflict, however caution is always advisable because others may see it differently and a perceived conflict of interests can be damaging. All interests should be declared where there is a risk of perceived improper conduct. Examples of a material conflict could include,

- Close relationship with a job candidate the organisation is considering recruiting.
- Working for an employer/or self-employed that sells a competing product or service as Lindsey Lodge
- Having a romantic relationship with a line manager or subordinates.
- Accepting a favour or gift from a client above the amount specified.
- Making a business choice to benefit a business that you have a stake in.

The above is not an exhaustive list but provides some examples of when it would be appropriate for an individual to disclose their interest.

## 4. MANAGEMENT OF INTERESTS

### 4.1. Staff and volunteers

Should disclose in writing used the attached (pro forma - Appendix A) any real, potential or apparent conflict of interests to their line manager/board chair (as appropriate depending upon role within the Hospice). All individuals should identify and declare material interests at the earliest opportunity and in any event within 14 days. If an individual is in any doubt as to whether an interest is material then they should declare it so it can be considered.

Declarations should be made:

- On appointment within the organisation
- when individuals move to a new role or their responsibilities change significantly
- at the beginning of a new project/piece of work.
- as soon as circumstances changes and new interests arise.

An annual reminder will be issued to all staff/volunteers by the Workforce department to ask for individuals to formally update where there has been a change in their personal circumstances in respect of any conflict of interest.

### 4.2. Trustees/Senior Managers

Employees and Trustees who are in a position to directly or indirectly influence the outcome of the hospice's business must take extra steps to ensure that their private interests do not compete with their professional duties and legal responsibilities.

- Declaration of interests must be recorded and clearly identified within the minutes of each board and sub-committee meeting.
- Trustees/ Senior Managers will be asked to complete, on an annual basis, a disclosure of interests form regarding business and personal interests.

### 4.3. Register of Interests

Lindsey Lodge will maintain a register of interests that will be updated on an annual basis by the company secretary. All declared interests that are material will be promptly transferred to the register which will be maintained by the company secretary. After expiry an interest will remain on the register for a minimum of 6 months and a private record of historic interests will be retained for a minimum of 6 years.

#### 4.4. Action when a material interest is identified

If an interest is declared but there is no risk of a conflict arising then no action is warranted. However if a material interest is declared then the general management actions that could be applied include:

- restricting individual involvement in associated discussions and excluding the individual from decision making
- removing individual responsibility from an entire area of work
- removing individuals from their role entirely if they are unable to operate effectively because the conflict is so significant

Each case will be different and context specific and Lindsey Lodge will clarify the circumstances and issues with the individual involved to ensure a measured and reasonable response to any material declarations of interest. The company secretary will ensure that written records are kept of any conflicts of interest and how the board have dealt with them.

## 5. GIFTS

Individuals should not accept personal gifts that may affect or seem to affect their professional judgement. This excludes cards/flowers but includes any gift item and or money. Should a gift be offered in respect of care provided or relationship the Chief Executive or Deputy should be advised to agree.

## 6. OUTSIDE EMPLOYMENT (EMPLOYEES)

Staff should declare any existing outside employment on appointment and any new outside employment as it arises.

Staff should not

- Actively solicit/ carry out remunerable private business of any kind during working hours or use Lindsey Lodge office space/telephone/systems/stationery/supplies.
- Provide outside services using propriety information which is the property of LL.
- Compete directly with LL with respect to services/activities that LL provides.

Where a risk of conflict of interests arises, the management actions outlined above in this policy should be considered and applied to mitigate risks.

## 7. SHAREHOLDINGS AND OTHER OWNERSHIP ISSUES

Individuals should declare any shareholding and other ownership interests in any publicly listed, private, or not for profit company business, partnership, or consultancy which is doing or might be reasonably expected to do, business with Lindsey Lodge.

Where shareholdings and other ownership interests are declared and give rise to risk of conflicts than the actions outlined in this policy should be considered and applied to mitigate risk.

## 8. LOYALTY INTERESTS

Loyalty interests should be declared by staff/trustees involved in decision making where they:

- hold a position of authority in another organisation which could be seen to influence decisions they take in their Lindsey Lodge role.
- Are or could be involved in the recruitment or management of close family members and relatives, close friends and associates and business partners
- Are aware that the hospice does business with an organisation in which close family members and relatives, close friends and associated and business partners have decision making responsibilities.

## 9. PROCUREMENT

Procurement should be managed in an open and transparent manner compliant with relevant law. Those involved in procurement exercises for and on behalf of the organisation should keep records that show a clear audit trail of how conflicts of interest have been identified and managed as part of the procurement process. At every stage of procurement steps should be taken to identify and manage conflicts of interest to ensure and to protect the integrity of the process.

## 10. IDENTIFYING AND REPORTING BREACHES.

Any individual who is aware of a breach or who are concerned that there may have been or may be a breach, should report these concerns to the Chief Executive/Chair of Board/ Speaking out Guardian (as appropriate). Lindsey Lodge will investigate each reported breach according to the particular circumstances and given relevant parties the opportunity to explain and clarify.

Following the investigation Lindsey Lodge Hospice will:

- Decide if there has been or is potential for a breach and if so determine the severity of the breach
- Assess whether further action is required in response.
- Consider who else inside and outside the organisation should be made aware
- Take appropriate action in respect of strengthening processes, applying Workforce policies as appropriate.

## 11. TEST FOR COMPLIANCE

Evidence that all employees/Trustees and volunteers have had this policy disseminated to them.

Annual disclosure of interest signed by board members.

Written conflict disclosures have been declared.

A full register of interest will be held by the company secretary. This is a public document available for inspection under the freedom of information act. It must be remembered that conflicts of interests apply to all of the workforce regardless of whether they have completed a declaration or not.

## 12. REVIEW

This policy will be reviewed in three years unless an earlier review is required. This will be led by the workforce manager.

## 13. REFERENCES /ASSOCIATED DOCUMENTATION

- Speaking out/whistleblowing policy
- Conflicts of interest - a guide for charity trustees - Charity Commission for England and Wales
- Freedom of Information Act 2000
- Equality & Diversity Statement

Lead Author	Workforce Manager
Date of ratification	18 August 2020
Review frequency	3 years
Circulation	All Staff & Volunteers



**CONFLICT OF INTEREST DECLARATION FORM**

For completion by individual

<b>NAME</b>	
<b>JOB TITLE</b>	
<b>LINE MANAGER</b>	
<b>DATE OF DISCLOSURE</b>	

**Details of the conflict/potential conflict of interest**

*Please provide all relevant information relating to the conflict/possible conflict of interest*

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<b>Signature of employee</b>	
<b>Date</b>	

Please return this form to Karen Griffiths, Chief Executive

For completion by Chief Executive/Chair (as appropriate)

**Details of the risk assessment**

Consider the employee's role within the organisation, the integrity and trust which the employee's position requires, the real or perceived conflict of interest being disclosed, and any other pertinent information relating to the situation

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**Details of the decision and details of the recommendations**

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<b>Assessor's Signature</b>	
<b>Assessor's Name</b>	
<b>Date</b>	