



## CONFLICT OF INTEREST POLICY

This policy applies to trustees and all staff and should be read in conjunction with the attached declaration of interest's form.

### **Why we have a policy**

Trustees have a legal obligation to act in the best interests of the charity, and in accordance with the charity's governing document. Staff and volunteers have similar obligations.

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

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

For those parts of the organisation involved in giving advice, examples of conflict of interest include:

- Acting for both sides in a dispute.
- The client is presenting a case that involves a member of the organisation staff or management committee.
- The client is presenting a case that the adviser or other member of staff knows is based on false information.
- The client's case involves or potentially involves undertaking action against the organisation or a funder.

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 the trustees and all staff to declare their interests, and any gifts or hospitality received in connection with their role in the charity. A declaration of interest's form is provided for this purpose, listing the types of interest you should declare.

To be effective, the declaration of interests 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 of caution. If you would like to discuss this issue, please contact the company secretary (who at Mind in Croydon is the Chief Executive) for confidential guidance. Interests will be recorded on the charity's register of interests, which will be maintained by the company secretary. The register will be accessible to trustees and senior members of staff.

### **Data Protection**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998 and UK GDPR. Data will be processed only to ensure that trustees and all staff act in the best interests of the charity. 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 the charity's services, or the carer of someone who uses the charity's 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 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. If you fail to declare an interest that is known to the company secretary and / or the chair of Trustees, the company secretary or chair will declare that interest.

### **Decisions taken where a trustee or member of staff has an interest**

In the event of the Board of Directors (who also act as Trustees) having to decide upon a question in which 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 the decision; interested parties will not be counted when deciding whether the meeting is quorate. Interested Board of Director members may not vote on matters affecting their own interests.

All decisions under a conflict of interest will be recorded by the company secretary 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 the decision, this will be reported in the annual report and accounts in accordance with SORP2000.

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.



## DECLARATION OF INTERESTS FORM

I,  in my capacity as an employee/Director of Mind in Croydon (delete where necessary) have set out below my interests in accordance with the organisation's Conflict of Interest Policy.

| Category  | Please give details of the interest and whether it applies to yourself or, where appropriate a member of your immediate family or some other close personal connection. |
|---|---|
| Any employment in which you continue to have a financial interest.  |   |
| Appointments (voluntary or otherwise) e.g. trustee, director, councillor, tribunal panel member, etc.                       |   |
| Membership of any professional bodies, special interest groups or mutual support organisations.                             |   |
| Investments in unlisted companies, partnerships and other forms of business, major shareholdings and beneficial interests.  |   |
| Gifts or hospitality offered to you by external bodies and whether this was declined or accepted in the last twelve months. |   |
| Any contractual relationship with the charity or its subsidiary.  |   |
| Do you use, or care for a user of the organisation's services?  |   |

To my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.

Signed:

Position:

Date: