Conflicts of Interest Policy

This policy sets out Live Well with Cancer (LWWC) position on the identification and management of Conflicts of Interest.

Scope

This policy applies to Live Well with Cancer (the Charity).

This policy applies to Trustees and staff ('Staff'). Staff means employees, contractors, and volunteers.

Key Points

1. What is a conflict of interest?

The Charity Commission's guidance publication CC29 defines Conflicts of Interest as:

> "Any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent them from making a decision only in the best interests of the charity."

Conflicts of interest: a guide for charity trustees

https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29/conflicts-of-interest-a-guide-for-charity-trustees

All Trustees and Staff are obliged to act in the best interests of the Charity and not for their personal interest or gain. A Conflict of Interest arises when Staff or Trustees have a personal interest in a matter that might, or might be perceived to, influence the objective impartial discharge of an aspect of their duties for the Charity.

A Conflict of Interest may arise from:

- a **financial interest,** for example an interest in, or income from, an entity that supplies goods or services to the Charity.
- a **close personal relationship,** for example where there is potential or perceived gain (financial or non-financial) to:
    1. a family member (that is a member of your immediate family or dependent family member living in the same household);

2. another person with whom you have a close personal connection who could be expected to influence or be influenced by you in your dealings with the Charity.

- **other non-financial benefits,** for example an unpaid board position with, or the prospect of an opportunity for future employment by, a supplier to the Charity.

Please note that the examples above are not exhaustive and anyone who is unsure should check with Secretariat.

2. What a Conflict of Interest is not

It's very common, even at the mere mention of a "Conflict of Interest", for people to start thinking suspiciously of the individuals concerned having covert agendas and disreputable schemes for greedy selfish gains.

It needs to be clear that there's nothing immoral or illegal in Conflicts of Interest *per se*. On the contrary, they are absolutely normal and inevitable in individuals and groups who are enthusiastic, active and dynamic in their interests – exactly the kind of people who make good charity Trustees and volunteers.

Impropriety and illegality only come in when what would otherwise be entirely legitimate Conflicts of Interest are not properly declared, acknowledged, and managed.

3. Why do we have a Conflicts of Interest policy?

If Conflicts of Interest are not identified and managed or avoided, they may, amongst other things:

- inhibit free discussion;
- allow influence or control over the Charity's activities by an individual who is not independent of his/her personal interests;
- lead to decisions or actions being taken that are not in the interests of the Charity;
- risk the perception that the Charity may have acted improperly, thus damaging its reputation.

Failure to comply with this policy may lead to disciplinary action in the case of Staff or may result in the termination of a Trustee's term.

4. Declaring a potential or perceived conflict of interest

Trustees and Staff of the Charity, entities controlled by the Charity and entities over which the Charity exercises significant influence must declare any activity or relationship that might give rise to a conflict of interest or the perception of such a conflict[1].

All Trustees and Staff with management responsibilities and members of advisory boards and committees as designated by the Executive Board, are required to declare any potential or perceived conflicts of interest on appointment and annually by completing a Declaration of Interests (DoI) form. For this purpose, disclosure is required of:

- an interest held by a close member of the family of a Trustee or Staff member who may be expected to influence, or be influenced by, the Trustee or Staff member in their dealings with the Charity;
- an interest held by an entity that is controlled, jointly controlled or significantly influenced by the Trustee or Staff member or a close member of their family.

1. The benefits that a Trustee is permitted to receive from the Charity, whether directly or indirectly, are limited by the Charity's Articles of Association, which also specify the procedures to be followed by Council when a permitted benefit gives rise to a conflict of interest – see *Requirements applicable only to Trustees of the Charity* below.

Completed DoI forms will be evaluated by one or more of the Chair or Chief Executive Officer (CEO) (with no individual evaluating their own form) to identify any conflicts of interest for which safeguards are required, or if the conflict is sufficiently serious, avoided, and to ensure that appropriate action is taken.

In the event of a difference of view as to whether a Conflict of Interest exists or as to the appropriate action required, the matter may be referred to a Review Panel made up of the Chair, the Deputy Chair or their nominee, the CEO, the Company Secretary and such other persons as the Chair and CEO jointly nominate. The Panel may obtain independent professional advice. The decision of the Review Panel will be final.

In the case of unavoidable or repeated Conflicts of Interest between the Charity and an individual that may, in the opinion of the Review Panel, harm the reputation of the Charity, the individual may be asked

to either surrender the interest that is giving rise to the conflict or resign from their position with the Charity.

The information provided in the DoI form will be included in a Register of Interests, maintained by the Company Secretariat and open to inspection on request to the Company Secretary. If an individual completing the DoI Form requests that any information in the form should not be disclosed without prior notice, any such request must be made to the Company Secretary.

Other Staff members who do not fall into the categories outlined elsewhere in this policy are required to disclose any potential or perceived conflict of interest to the charity when it arises. The charity will evaluate the conflict in consultation with the board of trustees and decide upon what action is necessary. This may include allowing the activity to continue with safeguards e.g., reduction of involvement or close monitoring or requesting that the Staff member ceases to be involved in any way with the activity concerned.

5. Procedures at meetings

When an actual, perceived, or potential Conflict of Interest arises in relation to a matter on the agenda of a meeting, the individual with the actual or potential conflict is required to declare it either before or at the start of the meeting concerned.

At meetings, the chair of the meeting will decide the best course of action, which may include requiring the individual concerned to withdraw from the meeting while the matter is discussed or requiring all involvement by the individual with the activity presenting the conflict of interest to cease.

As a rule, an individual with a conflict of interest in relation to a matter on a meeting agenda should not participate in the discussion of or decision on the matter concerned. However, where the particular benefits accruing or potentially accruing to the individual also accrue to a large group of individuals or are minimal, the chair of the meeting may permit the individual concerned to participate in discussion of the matter but not in decisions relating to the matter. An example would be discussion of remuneration policy and positioning but not the remuneration of the individual concerned.

6. Requirements applicable only to Trustees of the Charity

The Charity's Constitution place restrictions on payments and other material benefits that a Trustee may receive (whether directly or indirectly). The constitution permits a Trustee to benefit from certain contracts with the Charity subject to a number of conditions.

When a Trustee or a family member or business associate of a Trustee stands to receive a benefit permitted by the constitution, they must declare the nature and extent of their interest before discussions begin on the matter and, unless the other Trustees determine otherwise, withdraw from the meeting for that item and be absent during the vote on the matter.

7. Document details

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This policy will be reviewed annually or in response to updated regulations or guidance.