

## People Conflict of Interest Policy

This Policy applies to trustees, staff, volunteers and freelance trainers/ assessors involved in learner accreditation on behalf of People.

### Why we have a policy

Trustees have a legal obligation to act in the best interests of People, and in accordance with People's governing document, and to avoid situations where there may be a potential conflict of interest. Staff and volunteers have similar obligations. Freelance trainers/assessors have an obligation to avoid potential conflicts of interest in relation to the learners they are assessing.

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

- inhibit free discussion
- result in decisions or actions that are not in the interests of People
- risk the impression that People has acted improperly.
- influence accreditation assessment processes

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 ask trustees and all staff, volunteer and trainers/assessors to declare their interests, and any gifts or hospitality offered and received in connection with their role in People. A declaration of interests form is provided for this purpose, listing the types of interest you should declare.

The declaration of interests will be updated at least annually, and when any material 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 People's CEO for confidential guidance.

This register of interests shall be used to record all gifts of a value over £20 and hospitality over £50 received by the trustees and staff.

Interests and gifts will be recorded on People's register of interests, which will be maintained by The Finance and HR Manager.

## **Data protection**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998 and the General Data Protection Regulations 2018. Data will be processed:

- to ensure that trustees and all staff, volunteer and tutor/assessors act in the best interests of People
- for learner accreditation to maintain the integrity of the assessment process in the interests of the learner.

The information provided will not be used for any other purpose.

## **What to do if you face a conflict of interest**

If you believe you have a perceived or real conflict of interest you should:

- declare the interest at the earliest opportunity
- withdraw from discussions and decisions relating to the conflict.

The CEO should take special care to ensure that minutes or other documents relating to the item presenting a conflict are appropriately redacted for the person facing the conflict. A balance needs to be made to ensure that the person still receives sufficient information about the activities of People generally without disclosing such sensitive information that could place the individual in an untenable position.

If you are user of People's services, or the carer of someone who uses People'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, unless expressly invited to remain in order to provide information. In this case you may not participate in, or influence, the decision or any vote on the matter. You will not be counted in the quorum for that part of the meeting and must withdraw from the meeting during any vote on the conflicted item.

There are situations where you may participate in discussions from which you could indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal. This action will be agreed by the chair and minuted accordingly.

If you fail to declare an interest that is known to the CEO and/or the chair of the board, the CEO or chair will declare that interest.

If you are offering the Peep Progression Pathway (PPP) to parents/ carers and believe there may be a conflict of interest, you should declare your interest at the earliest opportunity in line with the guidance provided through the PPP documentation.

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

In the event of the board 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. In the event of a tie the Chair will have a casting vote. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate. Interested board members may not vote on matters affecting their own interests.

All decisions under a conflict of interest will be recorded 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 the current Charities SORP.

All payments or benefits in kind to trustees will be reported in People's accounts and annual report, with amounts for each trustee listed for the year in question.

Where a member of People's staff are connected to a party involved in the supply of a service or product to People, this information will be fully disclosed in the annual report and accounts.

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

## **Managing contracts or line managing staff**

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.

Managers should also not directly line manage staff where a conflict of interest might arise including the manager being a close family member of the member of staff concerned.

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This policy was last updated in May 2018.

Review date May 2019.