



for disabled children
and young people in Sussex

Conflict of Interest Policy and Procedure

Introduction

This policy and procedure apply to all current staff, volunteers, trustees and members.

All staff, volunteers, and trustees of Amaze will strive to avoid any conflict of interest between the interests of the Amaze on the one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.

The purpose of this policy is to protect the integrity of Amaze's decision-making process, to enable stakeholders to have confidence in the organisation's integrity, and to protect the integrity and reputation of staff, volunteers and trustees.

1. Definition

A conflict of interest is any situation in which the personal interests or interests owed to another body, of a trustee, employee or volunteer run counter to those of Amaze. Or where their judgement or actions are or could be affected by something unconnected to their Amaze role.

Conflicts of interest occur in those situations where an individual trustee, employee or volunteer stands to gain directly or indirectly through engagement in activities which may potentially affect Amaze adversely. It will occur if that individual is engaged with an organisation which has aims incompatible to or in direct competition with those of Amaze. It will also include any circumstances that affect - or could be seen to affect - someone's independence or impartiality in their Amaze role.

2. Staff and Volunteers

Staff and volunteers need to be mindful of potential conflicts of interest. These can occur if people use their position with Amaze to:

- further their own financial interests e.g. by taking on private work with a family they met through Amaze or using Amaze's services
- benefit a third party with whom they are associated e.g. recommend or buy a service on behalf of Amaze from a tradesperson to whom they are related
- discriminate against a service user due to their political or religious views or allegiances
- refer people inappropriately to agencies with whom they have a connection e.g. where they also volunteer or work
- unfairly benefit a service user to whom they are connected eg by giving preferential access to a service to a friend
- further their personal or family interests through influencing Amaze's policy, practice or operational decisions e.g. expand a service their family uses

OR

- are employed or engaged by an organisation in competition with Amaze
- are involved with groups whose values are in conflict with those of Amaze
- their employment, engagement or involvement with another organisation or group may affect their impartiality or independence when working for or representing Amaze

This list is not intended to be exclusive but is indicative of the kind of issues that can arise.

Many Amaze staff and volunteers are also actual or potential users of Amaze services. Amaze may also ask staff and volunteers who use Amaze services to comment on aspects of Amaze's work drawing on their personal experience. Amaze also hosts and supports the Parent Carer Forums (PCF) in B&H and East Sussex and Amaze staff may be members of the PCFs and contribute to their work providing parent voice. None of these activities are seen as a conflict of interest. A conflict would only arise if a member of staff or volunteer sought to get exceptional treatment or to unduly influence the running of a service to their advantage. Staff will be alert to which hat they are wearing at any one time and when engaging as parent carers in the PCFs, rather than as Amaze staff, they will follow the PCFs' Conflicts of Interest Policies, ensuring real or perceived potential conflicts are declared and managed accordingly.

Staff and volunteers who have an interest that potentially could be in conflict with their position with Amaze should bring it to the attention of their line manager who will pass it onto SLT for consideration. Senior managers with a potential conflict of interest should consult with the CEO and in similar circumstances the CEO should consult with the Chair of Trustees.

Even if an individual may be confident that there is no conflict of interest, consideration must be given to how the situation might look to someone else e.g. a user, partner or funder of Amaze. So if a member of staff has any doubts at all, they must talk things through with their manager.

Staff will be required to complete a declaration of interests form (similar to trustees). This written record of reported conflicts of interest will be maintained in the organisation's conflicts of interest register which will document any conflicts of interest and how they been dealt with. This will include the nature of the conflict, the person(s) affected and how it will be managed, including how management took any decision regarding this conflict in the best interests of the charity.

Most conflicts of interest can be successfully managed if they are known and out in the open. Staff and volunteers' interests outside of their role with Amaze, providing they are transparent, should not necessarily prevent them from continuing in that role.

Examples of *potential* conflict that would need to be managed include:

- standing as a candidate for election to a local council from which Amaze holds a contract that will come up for extension or retender
- becoming a trustee, governor or similar of an organisation that provides services to families with SEND or one that funds Amaze
- representing another organisation on a strategic group related to SEND
- needing to pursue a personal complaint or appeal against an organisation that Amaze works with or is funded by
- being involved in a decision within Amaze about a service which they or their family may use
- benefitting from special offers for Amaze users, where they are a user as well as an employee
- changing jobs/being recruited by another organisation that is in competition with Amaze for funding of services

Where it is deemed that a member of staff or volunteer acted in their own interests to the potential detriment of others or Amaze, or knowingly withheld information about a potential conflict of interest, disciplinary action will be taken.

Staff are also required to declare and any gifts or hospitality received in connection with their role in the charity. This will be recorded on the declaration of interests form if greater in value than £20. Staff and volunteers will not take any tips of cash or vouchers.

3. Amaze's Information and Advice Services

The services provided by Amaze will always be impartial and independent. There may be times when a conflict of interest situation occurs, particularly as Amaze staff and volunteers are often themselves users of or involved with other local services and organisations that are connected to SEND and Amaze's work. A conflict of interest arises if it is not possible for an Amaze member of staff or volunteer to give independent and impartial information, advice or support to a family for a particular reason, or similarly to a partner organisation. Or where it is likely to appear that this is the case. For information and advice to be impartial there must be no factors influencing the advice given other than that of the family's best interests.

Procedure for managing conflicts of interest when giving advice

- Advice service managers check for possible conflicts of interest when cases are first allocated to staff
- Where an advice worker has a financial, business or family interest in the case being discussed, they will declare this to their line manager and the conflict will be reviewed, recorded on the case file as appropriate, and a decision taken whether there is a conflict of interest (perceived or real)
- The advice worker will be alert to any conflicts (perceived or real) during their first initial contact with the family, as well as monitoring for possible conflicts at any subsequent or follow up contact.
- In addition line managers will review conflict of interest checks and recording procedures through the case review process in supervision meetings.
- Any conflicts or potential for conflict (perceived or real) are recorded on Charity Log.

Examples of potential conflict include:

- A member of advice staff is allocated to contact a parent relating to a CYP at school their child attends or a school where they also work part time. The staff member should declare the potential for conflict to the service manager who will consider whether the case to be reallocated to another member of the team.
- A panel, which an Amaze member of staff attends to represent families/bring a parent carer perspective, is discussing the education/health/care package of a colleague's CYP who also works at Amaze. The staff member needs to declare the potential for conflict and remove themselves from the discussion.
- A member of staff is asked for information about a service they currently use and have strong feelings about. The staff member needs to raise with a manager if there is a risk their personal experience will interfere with giving impartial advice.
- An advice worker advises an Amaze member of staff about their CYP's needs. This isn't generally considered as a conflict but needs to be discussed with a manager so it can be reviewed on a case-by-case basis.

Amaze seeks to manage the potential or perceived conflict of interest between its independent information and advice provision, and its own activities and services.

- We inform families about a range of services, options available and how they can find out about them, including Amaze's services
- Marketing information is not presented in a way that could be construed as impartial information

- Amaze has a Complaints policy and procedure and a copy of this will be given to a person seeking to make a complaint

4. Trustees

Conflicts of interest can lead to decisions that are not in the best interests of the charity and which are invalid or open to challenge. Conflicts of interest can also damage a charity's reputation or public trust and confidence in charities generally. These harmful effects can be prevented where individual trustees can identify conflicts of interest, and the trustee body can act to prevent them from affecting their decision making.

All trustees have a legal duty to act only in the best interests of the charity of which they are a trustee.

Conflicts of interest usually arise where either:

- There is a potential financial or measurable benefit directly to a trustee, or indirectly through a connected person
- A trustee's duty to Amaze may compete with a duty or loyalty they owe to another organisation or person

In practice this means that trustees cannot receive any benefit from Amaze in return for the service they provide to the Charity, unless they have express legal authority to do so.

The Charity Commission identifies examples that any of the following may amount to a potential conflict of interest:

- a) Benefits to trustees are where the trustees decide to:
 - sell, loan or lease charity assets to a charity trustee
 - acquire, borrow or lease assets from a trustee for the charity
 - pay a trustee for carrying out their trustee role
 - pay a trustee for carrying out a separate paid post within the charity, even if that trustee has recently resigned as a trustee
 - pay a trustee, or a person or company closely connected to a trustee, for providing a service to the charity¹
 - employ a trustee's spouse or other close relative/connected person at the charity
 - make a grant to a service user trustee, or a service user who is a close relative of a trustee
 - allow a service user trustee to influence service provision to their exclusive advantage

- b) Conflicts of loyalty: arise because, although the affected trustee does not stand to gain any benefit, the trustee's decision making at the charity could be influenced by his or her other interests. For example, a trustee's loyalty to the charity could conflict with his or her loyalty to
 - another organisation, such as their employer
 - another charity of which they are a trustee
 - a member of their family
 - another connected person or organisation

¹ Note Amaze's Articles of Association permit this in certain cases, but should be carefully followed and any related decisions overseen by the Chair of Trustees.

The test is always that there is a conflict of interest if the trustee's other interest could, or could be seen to, interfere with the trustee's ability to decide the issue only in the best interests of the charity.

In the case of a conflict of interests arising for a trustee, because of a duty of loyalty owed to another organisation or person, and the conflict is not authorised by virtue of any other provision in the memorandum or the articles, the unconflicted trustees may authorise such a conflict of interests where the following conditions apply:

- The Charity Commission's permission is sought before a benefit for a trustee may be authorised that isn't otherwise authorised in the Memorandum of Articles or already authorised in writing from the Commission
- The trustee who has declared the conflict of interest withdraws from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person
- The trustee who has the conflict of interest does not vote on any such matter and is not to be counted when considering whether a quorum of trustees is present at the meeting
- The other trustees who have no conflict of interest in this matter consider it is in the interests of the charity to authorise the conflict of interest in the circumstances applying
- That the number of trustees who do not have a conflict of interest is the majority if trustees present and making a decision
- Any such disclosure and the subsequent actions taken will be noted in the minutes.

Some examples of conflicts of interest within Amaze include:

- A trustee whose family access Amaze services may be faced with a decision in a Board meeting regarding whether fees for users should be introduced/increased. In this scenario the number of trustees whose families benefit from the service being discussed should be less than those that do, ie the unconflicted trustees have the majority in the decision
 - A trustee is related² to a member of staff (connected person) and there is decision to be taken on staff pay and/or conditions at a committee meeting.
 - A trustee is also on the committee of another local organisation that is competing for the same funding.
- c) All trustees are also asked to declare and any gifts or hospitality received in connection with their role in the charity. This will be recorded on the declaration of interests form.

5. Identifying and declaring conflicts of interest from affecting decision making

Although declaring conflicts of interest is primarily the responsibility of the affected trustee, the trustee body should ensure that they have strong systems in place so that individual trustees have a clear understanding of the circumstances in which they may find themselves in a position of conflict of interest and understand their personal duty to declare them.

- Upon appointment each trustee will make a full, written declaration of interests on the form attached, such as relationships, and posts held, that could potentially result in a conflict of interest. Each trustee will update their register annually, or more frequently if their circumstances change and an update is required. The written register of interests will be maintained by the Chair and accessible to trustees.

² ** A relative may be a child, parent, grandchild, grandparent, brother, sister, spouse or civil partner of the trustee or any person living with the trustee, as his or her partner

- Conflicts of interest is a standard agenda item at the beginning of each Management Committee meeting to allow the opportunity for declaration of any actual or potential interest in any of the items on that agenda.
- A trustee should declare any interest which they have in an item to be discussed, at the earliest possible opportunity and certainly before any discussion of the item itself.
- If a trustee is uncertain whether or not they are conflicted, they should err on the side of openness, declaring the issue and discussing it with the other trustees.
- If a trustee is aware of an undeclared conflict of interest affecting another trustee, they should notify the other trustees or the chair.
- Any trustee who has a financial interest in a matter under discussion, should declare the nature of their interest and withdraw from the room, unless they are requested to speak.
- If a trustee has any other interest which does not create a real danger of bias, but which might reasonably cause others to think it could influence their decision, they should declare the nature of the interest, but may remain in the room, participate in the discussion, and vote if they wish.
- If in doubt about the application of these rules, the Chair should be consulted.

Declaration of interests will be recorded, and form the charity's register of interests, For all other potential conflicts of interest, the advice of the Charity Commission will be sought and the advice recorded in the minutes. All steps taken to follow the advice will be recorded.

6. Keeping a written record of decisions around conflicts of interest

Amaze's written records need to document any conflicts of interest and how the trustees have dealt with them. The usual way trustees' decisions will be recorded is in the minutes of their meetings. Where there is a conflict of interest, the trustees will ensure that the written record of the decision shows:

- the nature of the conflict
- which trustee or trustees were affected
- whether any conflicts of interest were declared in advance
- an outline of the discussion
- whether anyone withdrew from the discussion
- how the trustees took the decision in the best interests of the charity

Recording decisions in this way helps trustees to show that they have acted properly and complied with their duties.

7. Responsibilities and Breach of Policy

Everyone is responsible for their own compliance with this policy. For staff, breaches of policy may incur disciplinary action, depending on the severity of the issue. Please refer to our **Disciplinary Policy** for further information on disciplinary procedures. Staff who are unsure about whether something they propose to do might breach this policy, should seek advice from their manager or the policy owner.

8. Communication of the Policy

This policy will be available in the policies folder and hard copies will be available on request. New staff and volunteers will be made aware of the policy during their induction with their manager. Training will be available on request. Reminders will be given at staff meetings.

Related Forms / Associated Documents

Declaration of Interest Form (see below)

Related Policies

Please also see the following related policies:

- **Disciplinary Policy**
- **Complaints policy**

VERSION CONTROL / RECORD OF CHANGES

Review date	Version	Section	Changes/Comments
June 2023	2	All	Full Review of Policy

Declaration of Interest Form

I _____ in my capacity as an employee/trustee of Amaze 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, governor, 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 Amaze	
Any information regarding the decision taken by management/trustees in relation to how Amaze will manage this conflict	

To the best of 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: _____

The Senior Administrator is responsible for transferring this information to the Amaze Declaration of Interests Register