



**British Paralympic
Association**



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Conflicts of Interest Policy

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Conflicts of Interest Policy

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This policy applies to all Board members (termed as 'Trustees' for the purposes of this Policy), Board Committee and Sub-Group members (including for the avoidance of doubt, any individuals invited to join a Committee or Sub Group on a fixed term or ongoing basis who are not Board members), staff and volunteers of the British Paralympic Association (BPA) and all companies in the Group.

Where this policy refers to Trustees, this is deemed to apply to all of the above groups, unless it is explicit that the term refers to the Trustees of the BPA only, or to another group.

1. CONTEXT

A conflict of interest or loyalty arises where a Trustee's personal interests or loyalties, or the interests or loyalties which that Trustee owes to another organisation, arise at the same time. The Trustees must manage any situation where a Trustee has the potential to benefit personally from his or her position as Trustee or is influenced by conflicting loyalties. This also applies to Trustees who have a close relative who have an interest in such a matter.

Examples of conflicts include:

- direct financial gain or benefit to the Trustee or close relative, such as payment to a Trustee for services provided to the BPA or the award of a contract to another organisation in which a Trustee or close relative has an interest and from which a Trustee or close relative will receive a financial benefit;
- indirect financial gain, such as employment by the BPA of a close relative or friend of a Trustee, or external funding or personal interests or loyalties; or
- non-financial gain, such as when a user of the BPA's services is also a Trustee

A 'close relative' is defined as either a relative by blood or marriage or someone who is so close to the individual that there is a risk that any decision taken by the individual could be influenced. The definition includes a person with whom someone co-habits. This list is not exhaustive and each case will be judged individually.

This policy has been written to help Trustees to discharge their legal duty to act only in the best independent interests of the BPA, and in accordance with BPA's governing document. Although this legal duty does not extend to staff or volunteers, the spirit of this policy applies equally to staff and volunteers to enable Trustees to discharge their duty. In practice, therefore, staff and volunteers should act appropriately where a conflict of interest or loyalty arises over and above those which are inherent in their role as employee or volunteer. The aim of this policy is to protect the BPA and individual Trustees, staff and volunteers from any appearance of impropriety.

2. THE POLICY: WHY WE HAVE IT

Trustees have a legal obligation to act in the best interests of the organisation and in accordance with the governing document. Conflicts of interests may bring risks in that they can:

- inhibit free discussion;
- result in decisions or actions being taken that are not in the interests of the BPA (as reflected by its charitable objects); and
- risk the impression that BPA has acted improperly.

The purpose of this policy is to protect the Trustees and the staff, specifically senior staff, from these risks.

3. WHAT TO DO IN THE FACE OF A CONFLICT OF INTEREST OR LOYALTY

All conflicts of interest or loyalty, whether actual or potential, should be declared promptly at the earliest possible opportunity:

- A Trustee who is personally (or is a member of a firm, Director or officer of a company) affected by a contract or transaction or any other issue that is to be discussed or decided upon by the Board or Board Committee and Sub-Group of BPA should immediately declare the nature of their interest and absent themselves from the relevant discussion. Under no circumstance should the conflicted Trustee be permitted to remain and vote on the relevant matter.
- A Trustee who has any other interest which does not create a real risk of bias, but which might reasonably cause others to think it could influence their decision, should declare the nature of the interest, but may remain in the meeting, participate in the discussion and decision making process, and vote if they wish.

If a **Trustee** is in any doubt about the application of this policy, he or she should heed the spirit as well as the wording of the policy and consult the Chair or Company Secretary. If a Trustee fails to declare an interest that is known to the Chair or Company Secretary, the Chair or Company Secretary will declare that interest. The interest of Trustees will be listed in a register, kept by the Company Secretary.

If a **member of staff** or **volunteer** is in any doubt about the application of this policy, he or she should heed the spirit as well as the wording of the policy and consult the Chief Executive (CEO) or the Company Secretary. If a member of staff or volunteer fails to declare an interest that is known to the CEO or Company Secretary, the CEO or Company Secretary will declare that interest. Senior staff (in "Director" roles) will confirm their agreement to this policy in

writing, records of which will be kept by the Company Secretary. Staff and volunteers are not required to complete declarations of interest forms.

4. GIFTS AND HOSPITALITY

The BPA has a policy to deal with personal gifts or hospitality provided to Trustee, Committee and Sub-Group members, staff and volunteers; “Anti-Corruption and Bribery Policy”, available on the BPA’s website.

5. RECORD KEEPING

Where the Trustees make a decision on a matter in which a Trustee has an interest, all decisions will be made in accordance with the Articles of Association. A quorum must be present for the discussion and decision. The conflicted Trustee will not count towards the quorum. All decisions where there is a conflict of interest will be minuted accordingly to include

- The nature, extent and value of the conflict
- The discussion which took place
- The action taken to manage the conflict.

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that Trustees, Committee and Sub-Group members, staff and volunteers act in the best interests of the BPA (as reflected by its objects). The information provided will not be used for any other purpose.

The Company Secretary must keep and maintain a register of all disclosures of interest of Directors and Committee and Sub-Group members, with a report of such declarations being provided annually to the Board.

6. WORKING WITH OTHERS

It may often be in the interests of BPA (as reflected by its objects) to work with others, be they charities with similar or complementary objects, public sector bodies or commercial organisations. While the policy detailed above must be followed, in spirit and in letter, it is not intended to prevent or inhibit collaboration with others that is appropriate, transparent, in good faith, properly disclosed and authorised, and directed to service of the objects of the BPA.

7. REVIEW OF POLICY

This policy will be reviewed every two years.

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