



# CONFLICTS OF INTEREST POLICY

## 1. Policy Statement

HIOWT Trustees have an obligation to act in the best interests of HIOWT and to avoid situations where there may be a potential conflict of interest.

## 2. Introduction

Conflicts of interest may arise where an individual's personal or family interests or loyalties conflict with those of HIOWT. Such conflicts may create problems, such as:

- Inhibit free discussion.
- Result in decisions or actions that are not in the HIOWT's interests.
- Risk the impression that the HIOWT has acted improperly.

## 3. Purpose

The purpose of this policy is to protect both the organisation and the individual's involved from any appearance of impropriety.

## 4. Declarations

Trustees and employees must declare any personal or business interests which may conflict with their responsibilities. Such conflicts must be identified at an early stage so that appropriate action can be taken to resolve them.

Trustees and Employees must declare any gifts or hospitality received in connection with their role in HIOWT.

If an individual is not sure what to declare, or whether or when a declaration needs to be updated, they must err on the side of caution. Individuals may contact the President to discuss and seek confidential guidance on any such matters.

## 5. Register of Interests

HIOWT maintains a Register of Interests (ROI) appropriate to its activities, which includes the interests of close family members. (see under "**6. Definitions**").

The ROI is also used to record all gifts of a value over £25 received by Trustees and employees.

New Trustees or employees are required to complete a Declaration of Interests (DOIs) Form on appointment, and must inform the President as changes occur.

Each Trustee and employee must review, and update if required, his or her DOIs if circumstances change, or at least annually.

The ROI is open to the public, unless individual members have specifically requested that their interests are not to be disclosed.



## 6. Definitions

Interests are defined as:

- Direct financial interests where a Trustee or employee stands to gain direct financial benefit from decision.
- Indirect financial interests where a close relative stands to benefit financially from a decision and where the financial affairs of the member and relative in question are bound through the legal concept of 'joint purse'.
- Non-financial interest or personal conflicts where a Trustee or employee receives no financial benefit from the decision, but continues to be influenced by external factors. This includes interests arising from membership of clubs and other organisations.
- Conflict of loyalties where a Trustee or employee may have competing loyalties between HIOWT, to which they owe a primary duty, and some other person or entity.

Examples of conflicts of interest:

- Direct financial interests:
  - The payment of a salary or professional fees to a Trustee.
  - The award of a contract to a company with which a Trustee is involved.
  - The sale of property at below market value to a Trustee or related party.
- Indirect financial interests:
  - The awarding of an employment contract to a Trustee's spouse.
  - Making a grant or other payment to a dependent child.
- Non-financial or personal conflicts:
  - Influencing Trustee decisions on service provision to their own advantage.
  - Awarding contracts to friends.

Close family members are defined as:

- Close family members include personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these.

## 7. Data Protection

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 and employees act in the best interests of HIOWT. The information provided will not be used for any other purpose.

## 8. Guidance

In the absence of specific statutory provisions, common law requires that:

- Members of public bodies should not participate in the discussion or determination of matters in which they have a direct financial interest; and
- When an interest is not of a direct financial kind, Trustees and employees should consider whether participation in the discussion or determination of a matter would suggest a real danger of bias. This should be interpreted in the sense that members might unfairly regard with favour, or disfavour, the case of a party to the matter under consideration.

In considering whether a real danger of bias exists in relation to a particular decision, Trustees and employees should assess whether they, a close family member, a person living in the same household, or a forum, a business or other organisation with which the Trustee is connected, are likely to be affected more than the generality of those affected by the decision in question. This would cover, for example, a decision to invite tenders for a contract where a firm with which a Trustee was connected was significantly better placed than others to win it or where a Trustee or employee was a service user and involve in a decision directly affecting the service received.

For the avoidance of doubt, the above paragraph does not preclude the Trustees from deciding to issue an indemnity where individual Trustees or employees have acted honestly, reasonably, in good faith and without negligence.

## 9. Procedures at HIOWT Trustee Meetings

Trustees must declare as soon as practicable after a meeting begins, whether they have an interest, pecuniary or other, in a matter being considered. Agendas for meetings must include an item to provide a clear opportunity for them to do so.

Trustees must also disclose any interest of which they are aware on the part of a close family member or a person living in their household. In addition, Trustees must consider whether they need to disclose relevant interests of other persons or organisations, which members of the public might reasonably think could influence their judgment.

Trustees must declare their interest(s) to the Secretary of the meeting, who will record the declaration in the minutes.

The Chair will decide which of the following options should be followed:

- The Trustee should leave the meeting while the item is being discussed.
- The Trustee should be allowed to remain in the meeting while the item is being discussed, but should not be allowed to take part in the discussion or vote.
- The Trustee should be allowed to speak on the item, but should not vote.
- The Trustee should be allowed to speak and vote on the item.

A quorum must be present for the discussion and decision. Interested parties will not be counted when deciding whether the meeting is quorate.

All decisions under a conflict of interest will be recorded by the Secretary of the meeting 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.

If a Trustee fails to declare an interest that is known to the Chair, the Chair will declare that interest.

Any Trustee may challenge another where they perceive that a conflict has not been declared. These challenges should be made to the Chair of the meeting, whose decision on the matter will be final. The Secretary of the meeting shall record the challenge and its outcome in the minutes.

In cases where Trustees are authorised by law to represent a group likely to be affected by the Trustees' decisions, the relevant statutory framework may permit Trustees to be involved, notwithstanding any direct pecuniary interest that they may have in the decision. However, Trustees should not overlook the possibility that specific statutory provisions may impose restrictions that are stricter than those described above. The Trustees may obtain legal advice where appropriate.

Independent external moderation, for example Sports Resolutions, will be used where conflicts cannot be resolved through the usual procedures.

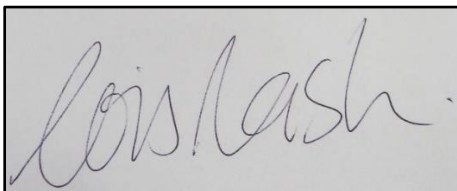
## 10. Managing Contracts

If a Trustee or employee has a conflict of interest, they will not be involved in managing or monitoring a contract in which they 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.

## 11. Review of the Conflicts of Interest Policy

The Conflicts of Interest Policy should be reviewed and, if necessary, revised in the light of legislative, codes of practice or organisational changes.

Policy adopted on: 16 May 2023  
Policy reviewed on: 10th May 2024 (RC)  
Date of next review: 10th May 2027



Name – Lois Nash  
Role – Chair  
Date – 16 May 2023

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### Approved Version History

Ser	Version	Date	Chair
1	1.0	16 May 23	Lois Nash