

Title:	Conflict of Interest Policy
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1. Introduction

This Conflict of Interest Policy applies to all Trustees and employees of the Dunhill Medical Trust, and members of all sub-committees of the Dunhill Medical Trust.

2. Definition and principles

The Trustees of the Dunhill Medical Trust accept the definition and principles in the Charity Commission document [“Conflicts of Interest: A Guide for Charity Trustees” \(CC29\)](#). This states that “a conflict of interest is any situation in which a trustee’s personal interests or loyalties could, or could be seen to prevent the trustee from making a decision only in the best interests of the charity”.

The Trustees accept that the scope of conflict of interest includes:

- direct financial gain or benefit to the trustee, such as:
 - payment to a trustee for services provided to the charity;
 - the award of a contract to another organisation in which a trustee, committee member or employee has an interest and from which a trustee, committee member or employee will receive a financial benefit;
 - the employment of a trustee in a separate post within the charity, even when the trustee has resigned in order to take up the employment.
- indirect financial gain, such as employment by the charity of a spouse or partner of a trustee, where their finances are interdependent;
- non-financial gain, such as when a user of services supported by the charity is also a trustee, committee member or employee;
- conflict of loyalties, such as where a trustee, committee member or employee also has a formal appointment to, or has a long-standing association with, another organisation which is eligible to receive support from the charity, or where a friend of a trustee, committee member or employee is employed by the charity.

3. Compatibility with the governing document

This policy is intended to be compatible with the provisions for dealing with conflicts of interest included in the Articles of Association of the Dunhill Medical Trust. Issues of direct, indirect and non-financial gain covered in the Articles of Association are excluded from this

policy. In the event that any ambiguity or conflict exists between the two documents, the Articles of Association shall take precedence.

Duties and responsibilities

In line with Charity Commission requirements, trustees have a legal obligation to act in the best interests of the charity and in accordance with the Articles of Association.

Employees of the charity and committee members have similar obligations. They should:

- Maintain the highest possible standard of integrity in all business relationships, both inside and outside the Trust.
- Reject any business practice which might reasonably be deemed improper (including improper practices which might benefit the Trust).
- Never use their authority or position for personal gain.
- At all times, act with impartiality, independence and integrity.
- Avoid being, or giving the appearance of being, in a position which may result in an actual or perceived detriment to the Trust's reputation and/or interests.

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

- inhibit free discussion;
- result in decisions or actions that are not in the interests of the charity;
- risk the impression that the charity has acted improperly.

The aim of this policy is to protect both the Dunhill Medical Trust and the individuals involved from any appearance of impropriety.

4. Declaration of Interests

Accordingly, trustees, employees and other members of sub-committees of the Board of Trustees are asked to declare their interests, and any gifts or hospitality received in connection with their role in the Dunhill Medical Trust. A declaration of interests form will be provided for this purpose, listing the types of interests which should be declared. To be effective, the declaration of interests will be updated biennially, and/or when any specific changes occur, as appropriate.

Interests of trustees, staff and external advisors to Committees will be recorded in a Register of Interests as part of the Statutory Books of the company. The register will be maintained by the Head of Communities and Governance and held in the Trust's office.

It is not possible to define all situations or relationships which may create a conflict of interest, so each situation must be evaluated individually. However, some of the more obvious conflicts include:

- Having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or Trust partner or is seeking to become one.

- A close family member (including children, in-laws, partner or spouse) having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or Trust partner, or is seeking to become one.
- Having a close or longstanding relationship/friendship with a business which either is a competitor, customer, supplier or Trust partner, or is seeking to become one.

In all cases, individuals have a responsibility to assess the potential conflict. Actual or perceived conflicts of interest **must** be disclosed.

5. Data Protection

The information provided will be processed in accordance with data protection principles as set out in the General Data Protection Regulations. Data will be processed only to ensure that trustees, employees and committee members act in the best interests of the charity. The information provided will not be used for any other purpose. Full information about how personal information is used can be found in the Trust's [Privacy Notice](#).

6. Conflicts of interest in relation to meetings

Conflicts of interest arising from agenda items to be discussed at meetings of the Board of Trustees, or meetings of sub-committees of the Board, should be declared and minuted at the beginning of each meeting. The trustee, employee or committee member declaring his/her interest should withdraw from any subsequent discussion. The conflicted person may, however, participate in discussions from which he/she may indirectly benefit (for example, where the benefits are universal to all users), or where the benefit is minimal.

In the event of a trustee/committee member/employee failing to declare an interest that is known to the Chair of the Board and/or the Chief Executive, the Chair or Chief Executive will declare that interest.

7. Conflicts of interest in respect of grant applications

A Trustee may be a named co-applicant on a grant application but may not be named as the lead applicant. Where a Trustee is a named co-applicant or has any direct interest in a grant application, the Trustee in question must withdraw from any discussion relating to the application and from any decision or process of ratification relating to it.

Any other Trustee from the host institution submitting the grant application must also withdraw from the discussion and/or decision.

NB. Conflicts of interest likely to occur in respect of grant applications are dealt with in greater detail in the respective Grants Committees' Code of Conduct.

8. Decisions taken where a trustee or employee has an interest

In the event of the Board of Trustees having to decide upon a question in which a trustee, committee member or employee has an interest, all decisions will be made by vote, with a simple majority required. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate. Interested trustees may not vote on matters affecting their own interests. Similar arrangements will operate for sub-committees of the Board.

All decisions under a conflict of interest will be recorded in the minutes of the relevant Board or sub-committee meeting. The minutes will record:

- the nature and extent of the conflict;
- an outline of the discussion;
- the actions taken to manage the conflict.

In the event of a decision taken by which a benefit accrues to a trustee, this will be reported in the annual report and accounts, in accordance with current Charities SORP regulations. All payments or benefits in kind to trustees will be reported in the annual report and accounts, with amounts for each trustee listed for the year in question.

Where an employee or committee member is connected to a party involved in the supply of a service or product to the charity, this information will be fully disclosed in the annual report and accounts.

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

9. Managing contracts

Where a conflict of interest exists in respect of a contractual arrangement, the conflicted person must not be involved in managing or monitoring that contract. 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 deemed by the Board of Trustees to be unsatisfactory.

Actual conflicts of interest must be avoided and potential conflicts of interests carefully managed. The Chief Executive must review the disclosed interest, discuss it openly and manage it so that employees do not become involved in or influence situations where actual conflicts of interest occur.

Members of staff failing to comply with the above procedures may be subject to disciplinary action and/or legal action being taken wherever appropriate.