

CONFLICTS OF INTEREST POLICY



This policy applies to Trustees, employees and volunteers of Age UK Surrey (AUKS).

Trustees have a legal obligation to act in the best interests of AUKS, in accordance with AUKS governing document and to avoid situations where there may be a potential conflict of interest. Employees and volunteers have similar obligations.

Conflicts of interests may arise where an individual's personal, professional, or family interests and/or loyalties conflict with those of AUKS. Such conflicts may create problems. They can:

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

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

Definition of an Interest

A conflict of interest is one where there is, or appears to be, opportunity for personal, professional or financial advantage to the person or their relatives, close friends and business partners, or where it might be reasonable to an outsider that there is a perception that potential or actual benefits might affect that person's actions.

All Trustees and employees should recognise and disclose activities that might give rise to conflicts of interest, or the perception of conflicts of interest, and to ensure that such conflicts of interest are seen to be properly managed or avoided.

Conflicts of interest may be financial or non-financial or both.

Please see Appendix 1 – Circumstances where conflicts of interest may commonly arise.

The Declaration of Interests

Accordingly, AUKS requires Trustees, employees and volunteers to declare any conflict of interest, or any circumstances that might reasonably give rise to the perception of a conflict of interest, at the time they first become aware of the possibility of a conflict of interest.

Potential conflicts of interest can arise from transactions, or possible transactions, between the charity and entities in which Trustees, employees, their close relatives, or close friends have:

- current employment with or were previous employed with (and still receiving a financial benefit from).
- appointments (voluntary or otherwise) e.g. Trusteeships, directorships, local authority membership, tribunals etc.
- membership of e.g. professional bodies, special interest groups or support organisations etc.
- been employed by or been a councillor of Surrey County Council.
- received grants or care support from (including in their capacity as a user) of AUKS's services)
- an investment or beneficial ownership exceeding 5% of an unlisted company, partnership etc.; or
- received or have been offered substantial gifts or hospitality.

To be effective, the charity shall review an individual's declaration of interests annually and when any changes occur.

If the individual is not sure what to declare, or when or whether their declaration needs to be updated, they should contact the Chief Executive for confidential guidance or update their declaration.

A register of interests is to be used to record all gifts of a value over £25 received by the Trustees, employees or volunteers. Interests and gifts will be recorded on the charity's register of interests which will be maintained by HR. The register is accessible by application in writing to the Chief Executive.

Data Protection

The information provided will be processed in accordance with data protection principles. Data will be processed only to ensure that Trustees, employees and volunteers act in the best interests of AUKS. The information provided will not be used for any other purpose.

What to do if you face a Conflict of Interest

If an individual is a user of AUKS's services, or the carer of someone who uses AUKS's services, they should not be involved in decisions that directly affect the service that they, or the person they care for, receive(s). The individual should declare their interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if the individual faces a conflict for any other reason. They may, however, participate in discussions from which the individual may indirectly benefit, for example, where the benefits are universal to all users, or where the individual's benefit is minimal.

If the individual fails to declare an interest that is known to the Chief Executive and/or the Chair of the Board of Trustees, the latter will declare that interest.

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, employee or volunteer 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 board members cannot vote on matters affecting their own interests and will be required to leave the meeting.

All decisions under a conflict of interest will be recorded by the Chief Executive 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 (Statement of Recommended Practice).

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

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

Managing Contracts

If a conflict of interest is registered, the declarer shall have no involvement in managing or monitoring a contract in which that interest exists must take place. 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.

Review

This policy will be reviewed every three years.

Issue	Date agreed by Board of Age UK Surrey	Reviewed
2	20 th November 2013	August 2016
2	21 st September 2016 (no changes required)	June 2018
3	24 September 2019	July 2022/Aug 2023
4	Minor changes. Gender identifies updated, Aug 2023.	

Circumstances where conflicts of interest may commonly arise and guidance on how to deal with them.

There are many different circumstances under which AUKS may encounter potential conflicts of interests. The following is not an exhaustive list but identifies some the charity may encounter:

a) **Conflicts between our impartial Information and Advice provision and linked commercial trading activity for goods and services**

This includes products and services sold by Age Co. Because the charity's Information and Advice service is independent and impartial, there is a potential conflict of interest in signposting or referring to Age Co

Guidance: *Detailed guidelines can be found on The Loop/I&A/What We do & How/I&A Conflict of Interest Guidelines. These should be read by all I&A staff, all managers, and other relevant staff as part of their Induction.*

Other staff and volunteers should follow this summary advice:

- *In the course of your work, if an individual asks you directly and specifically about a particular AUKS product or service, then the individual should be directed to a member of the appropriate team*
- *If an individual has a more general enquiry about who might offer or supply a particular product or service, then staff and volunteers should:*
 - *Highlight that, through Age Co, Age UK Surrey offer that product or service, explain that profits support AUKS'S charitable activity and offer to signpost or transfer individuals to the relevant team.*
 - *Also, **highlight the existence of other providers of the goods and services** which the individual may wish to consider and advise the individual about where to find information about those other providers.*
 - *Where appropriate and possible, **the provision of details for three providers is regarded as best practice.***
 - ***Never recommend a single product or service or imply one is better than another.***

b) **Conflicts when an employee, volunteer or trustee has, or wishes to take on, additional paid or voluntary employment with another organisation that may be in competition with AUKS or in some other way compromise their impartiality**

Guidance: *As a rule, employees, trustees and volunteers must not allow themselves to be placed in a position where their external personal or business interests conflict with the interests of the charity. Additionally, all staff, trustees and volunteers must complete an annual Declaration of Interests form. The*

Declaration of Interests register is kept by HR. AUKS ask that volunteers keep us up to date with any other such activity that they undertake.

c) **Conflicts between family, friends and carers when information and advice given to one could be detrimental to the other**

For example, AUKS advise an individual about their benefit entitlement, and they are entitled to Severe Disability Premium. The carer may require advice about the latter's entitlement to Carers Allowance. There is a potential conflict between the disabled individual and the carer.

Guidance: *In this case AUKS would act for the individual who first contacts our organisation. In this case AUKS are already assisting the disabled individual, so will need to advise the carer that AUKS will be unable to advise them on this matter, due to a potential conflict of interest (not disclosing specific detail) and signpost or refer the carer to an alternative advice agency.*

d) **Conflicts where a staff member or volunteer becomes aware that an older person has provided false information to Age UK Surrey or to an external body where AUKS needs to balance service-user confidentiality with the charity's responsibility to the public purse and also not to support fraudulent activity**

For example: a staff member or volunteer is advising an older person in respect of a welfare benefit claim, and it becomes apparent that the person being advised is not entitled to receive that benefit. The service user may be unaware of the criteria and not aware of wrongdoing, or they may be deliberately withholding or giving false information.

Guidance: *The individual should discuss this with the I&A Manager or relevant Service Manager who will decide on the most appropriate course of action. Never assist any individual to make a claim where it may be fraudulent.*

A staff member or volunteer is acting as an agent on behalf of a funding body to assist the individual to make a claim for benefits/grants. The staff member/volunteer becomes aware that the individual is fraudulently claiming a welfare benefit required to be eligible for that grant.

Guidance: *It is imperative this be discussed with the appropriate Service Manager.*

e) **Conflicts whereby an older person wishes to complain to AUKS about Age Co or to complain to Age Co about services provided by AUKS**

Guidance: *Refer to AUKS's Complaints Policy.*

f) **Conflicts where a staff member, volunteer or trustee is either themselves, or is closely related to, a person or organisation that an older person wishes to complain about or is in dispute with**

Guidance: The staff member, volunteer or trustee is required to disclose this to their line manager or other appropriate person and the matter shall be dealt with by somebody independent of that organisation either within, or external to, the charity.

- g) **Conflicts between older people and an organisation that funds or supports us**

Guidance: Report this to the relevant Service Manager who will ensure that the older person receives the support the latter needs either through the AUKS organisation or by signposting or referral to an external organisation.

- h) **Any other circumstance where you suspect a conflict of interest**

Guidance: Raise this matter with the relevant Service Manager, or for Service Managers themselves, raise with a member of the Senior Management team.