

# CONFLICTS OF INTEREST POLICY

## 1.0 Conflicts of Interest Policy

- 1.1 Essex Tennis “Management Committee Members” and Essex Tennis “Employees” have an obligation to act in the best interests of the Essex Tennis Management Committee and Essex Tennis and to avoid situations where there may be a potential conflict of interest.
- 1.2 Conflicts of interest may arise where an individual’s personal or family interests and/or loyalties conflict with those of the County Association. Such conflicts may create problems; they can:
  - inhibit free discussion
  - result in decisions or actions that are not in the County Associations interests
  - risk the impression that the County Association has acted improperly
- 1.3 The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.
- 1.4 Management Committee Members / 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.
- 1.5 Employees must also declare any gifts or hospitality received in connection with their role in the County Association.
- 1.6 If an individual is not sure what to declare, or whether/when a declaration needs to be updated, they must err on the side of caution. Individuals may contact the Liaison Officer to discuss and seek confidential guidance on any such matters.

## 2.0 Register of Interests

- 2.1 The County Association maintains a Register of Interests appropriate to its activities, which includes the interests of close family members (see 3.3).
- 2.2 The Register of Interests is also used to record all gifts of a value over £100 received by Employees.
- 2.3 New Management Committee Members / Employees are required to complete a Declaration of Interests Form on appointment, and must inform the Liaison Officer as changes occur.
- 2.4 Each Management Committee Member / Employee is asked to update his or her declaration on an annual basis.
- 2.5 The Register of Interests is open to the public, unless individual members have specifically requested that their interests not be disclosed.

## 3.0 Definitions

- 3.1 Interests are defined as:

- Direct financial interests where a Management Committee Member / 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 Management Committee Member / 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 Management Committee Member / Employee may have competing loyalties between the organisation to which they owe a primary duty and some other person or entity

3.2 Specific examples of the above are outlined in Appendix A.

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

#### **4.0 Data Protection**

4.1 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 Management Committee Members / Employees act in the best interests of the County Association. The information provided will not be used for any other purpose.

#### **5.0 Guidance**

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

5.1.1 Members of public bodies should not participate in the discussion or determination of matters in which they have a direct financial interest; and

5.1.2 When an interest is not of a direct financial kind, Management Committee Members 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, Management Committee Members should assess whether they, a close family member, a person living in the same household, or a forum/ business/other organisation with which the Management Committee Member 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 Management Committee Member was connected was significantly better placed than others to win it or where a member was a service user and involve in a decision directly affecting the service received.

5.2 For the avoidance of doubt, the above paragraph does not preclude the Liaison Officer, from deciding to issue an indemnity where individual Management Committee Members / Employees have acted honestly, reasonably, in good faith and without negligence.

## **6.0 Procedures at County Association Management Committee Meetings**

- 6.1 Management Committee Members 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.
- 6.2 Management Committee Members must also disclose any interest of which they are aware on the part of close family members and persons living in their household. In addition, members 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.
- 6.3 Management Committee Members must declare their interest(s) to the Secretary of the meeting, who will record the declaration in the minutes.
- 6.4 The Chair will decide which of the following options should be followed:
- 6.41. The Management Committee Member should leave the meeting while the item is being discussed<sup>1</sup>
- 6.42. The Management Committee Member 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<sup>1</sup>
- 6.43. The Management Committee Member should be allowed to speak on the item, but should not vote<sup>1</sup>
- 6.44. The Management Committee Member should be allowed to speak and vote on the item.

<sup>1</sup> *A quorum must be present for the discussion and decision. Interested parties will not be counted when deciding whether the meeting is quorate.*

- 6.5 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.
- 6.6 If a Management Committee Member fails to declare an interest that is known to the Chair, the Chair will declare that interest.
- 6.7 Any Management Committee Member 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.
- 6.8 In cases where Management Committee Members are authorised by law to represent a group likely to be affected by the Partnership's decisions, the relevant statutory framework may permit Management Committee Members to be involved, notwithstanding any direct pecuniary interest that they may have in the decision. However, Management Committee

Members should not overlook the possibility that specific statutory provisions may impose restrictions that are stricter than those described above. The [County Association] Management Committee may obtain legal advice where appropriate.

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

## **7.0 Managing Contracts**

- 7.1 If a Management Committee Member 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.

## **Appendix A**

### **Examples of conflicts of interest:**

Direct financial interests:

- The payment of a salary or professional fees to a County Association Management Committee Member.
- The award of a contract to a company with which a County Association Management Committee Member is involved.
- The sale of property at below market value to a County Association Management Committee Member or related party.

Indirect financial interests:

- The awarding of an employment contract to a County Association Management Committee Member's spouse.
- Making a grant or other payment to a dependent child.

Non-financial or personal conflicts:

- Influencing County Association Management Committee decisions on service provision to their own advantage.
- Awarding contracts to friends.