



## Conflict of Interest and Gifts Policy

This policy applies to Board members and staff members.

### Why we have a policy

Board members and staff members have a moral and legal obligation to act in the best interests of the TMSA, and in accordance with the TMSA's Memorandum and Articles of Association and other relevant documents (such as a contract in the case of staff).

Whether paid or voluntary, it is essential that the individuals covered by this policy, when acting on behalf of the TMSA are putting the TMSA first. This policy seeks to avoid a Board member or member of staff making a decision (or assisting in making a decision) on behalf of the TMSA other than completely impartially. In other words, where there is, or appears to be, a conflict between the interest of the TMSA and other interests the individual may have.

Such conflicts could create problems. They might:

- prevent Board members and staff members being in full possession of important information,
- inhibit full and frank discussion,
- lead to decisions being taken which are not in the TMSA's best interests, and
- lead the TMSA to take, or to appear to take, improper actions.

This policy is designed to protect both the TMSA and the individuals involved from any of these hazards.

It is normal practice in meetings for people to declare an interest and remove themselves from discussion. Current best practice, however, suggests a more formal approach should be adopted which offers greater transparency and more protection for both the TMSA and the individuals concerned. This is a "register of interests".

### Types of interests to be registered

- Board memberships, directorships and memberships of organisations or governing bodies held by an individual, close family member or close associate that will or may impact on the TMSA and its work
- ownership or proprietorship of, or employment or self-employment in, an enterprise (including sole traders and partnerships) by an individual, close family member or close associate that will or may impact on the TMSA and its work
- receipt or offer of gifts / hospitality of benefit to the individual when acting on behalf of the TMSA – over and above subsistence that would otherwise be reimbursed by the TMSA.

## **The Register of Interests**

All new Board members and staff will be required to complete their registration before taking up their duties, using the 'Register of interests registration form' (see below). All individuals covered by this policy are required to update their register entry at the earliest opportunity as changes occur (normally within one month of the change occurring or at the first meeting where the interest is relevant, whichever is earlier). Register of interests registration forms should be submitted directly to the TMSA National Director in all cases. The maintenance of the register will be the responsibility of the TMSA National Director.

The register is not in the public domain, but the appropriate sections (see below) will be available for inspection to all whose names appear on it and will act as guidance to the meeting chairs and line managers. Chairs of Board, Sub-Committee and staff meetings are required to make the declaration of interests an early agenda item at every meeting and ensure that any new declarations are forwarded for recording in the register.

The register will be divided into the following sections:

- TMSA Board
- Other TMSA panels, groups and subcommittees
- TMSA staff

## **The declaration of interests**

In meetings people should declare an interest at the earliest opportunity and remove themselves from discussion. Staff should deliberately refrain from making operational decisions in which they might be seen to have an interest or which might lead to personal gain of any kind for themselves, their immediate families or close associates. An example would be, a meeting where staff salaries were being discussed, or the decision to award a contract to an organisation with which an individual had close connections.

## **Failure to declare an interest**

If anyone fails to declare a relevant registered interest in a meeting, the meeting Chair will declare that interest. To this end, meeting chairs are expected to familiarise themselves with the registered interests of the members of the relevant Board/Sub-Committee/Staff team.

If there is a question as to whether a conflict of interest exists, the Board or sub-committee will decide by simple majority. In no case may the person concerned vote on the matter in question, nor be counted as a part of a quorum.

If a staff member fails to act appropriately over a matter in which s/he has a declared interest, the TMSA National Director will take appropriate action within the line management structure.

## **Failure to register an interest**

A failure to register an interest will be dealt with by the Board or sub-committee concerned or through the staff line management process. This might lead to the register being updated and/or decisions reversed or other appropriate action.

Serious breaches will be dealt with by the staff disciplinary procedure as appropriate.

## **Major or ongoing conflicts of interest**

Where a Board or Committee member has a major or ongoing conflict of interest, he or she should offer to resign from the Board or sub-committee. Major or ongoing conflicts of interest on the part of staff should be referred to the TMSA National Director for appropriate action within the line management structure. If there is a question as to whether a conflict of interest is major or ongoing, the Board or committee will decide by simple majority. In no case may the person concerned vote on the matter in question, nor be counted as a part of a quorum.

## **User Groups and Beneficiaries**

The TMSA Board and sub-committees include those who make use of TMSA's services. Chairs should be aware that such members bring important knowledge to discussions of issues that directly affect users but should be sensitive to the point at which members may stand to gain exceptional benefit for groups with which they are engaged. In such cases, the Chair should invite the Board/sub-committee to reach a consensus as to the level of conflict of interest and whether the standard conflict of interest policy should be brought into play.

## **Awarding of contracts to Board members**

Board members may not be considered for contracts offered by the TMSA. Board members considering tendering for work or applying for a paid position in the TMSA should declare this interest at the earliest possible opportunity and offer their resignation from the Board.

## **Gifts and benefits in kind**

Board and staff members should declare all personal gifts received and hospitality accepted or offered while on the TMSA's business, or from people or organisations connected with the TMSA. This applies only to benefits which accrue solely or almost solely to the individual and which do not benefit the TMSA – over and above subsistence that would otherwise be reimbursed by the TMSA. Such declarations should be submitted directly to the TMSA National Director on the Register of interests registration form within one month of receipt and will be recorded in the Gifts appendix to the Conflict of Interest Register. Gifts which fall within what would otherwise be reimbursed by the TMSA (eg the offer to pay for a cup of coffee at a meeting while on the TMSA business) are not considered as benefits accruing to the individual and need not be declared.

Board and staff members should not accept gifts with a significant monetary value or lavish hospitality without first seeking the approval of the Convener of the Board or their line manager. Such gifts to sub-committee Chairs should be referred to the TMSA Board Convener, and in the case of the Board Convener, to the TMSA Board Vice Convener and National Director.

Board and staff members should under no circumstances accept gifts or hospitality where this could be seen as being likely to influence the decisions of the Board.

## **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 Board members, committee members and staff act in the best interests of the TMSA. The information provided will not be used for any other purpose.