

CONFLICT OF INTEREST POLICY

The interests of OBS' beneficiaries and charitable aims should be at the heart of everything that is done by OBS and those who work and volunteer in and with OBS.

Principles

1. When representing OBS, trustees, contracted providers and volunteers shall act in the best interests of the organisation, considering what is best for OBS and its present and future beneficiaries.
2. When representing OBS, trustees, contracted providers and volunteers shall not promote their personal interests outside of the scope of OBS' work.
3. Trustees, contracted providers and volunteers will declare any conflict of interest, or any circumstance that might be viewed by others as a conflict of interest, as soon as it arises.

Scope of policy

This policy applies to trustees, contracted providers (including facilitators) and volunteers - referred to collectively as OBS representatives. Where commercial relationships are being considered, OBS' Commercial Activities policy sets out additional principles.

What is a conflict of interest?

A conflict of interest can be defined as any situation in which a charity representative's personal interests or the responsibilities they owe to another body, may, or may appear to, influence their decision making.

(paraphrased from "Charitable Museums and Galleries: A guide to conflicts of interest policies, trustee benefits and transactions between trustees and charities"; the Department of Culture, Media and Sport and the Charity Commission, 2008)

Conflicts of interest arise when the interests of OBS representatives or their close family members or business partners “are incompatible or in competition with the interests of the charity”. Such situations present a risk that OBS representatives “will make decisions based on these external influences, rather than the best interests of the charity.” (ICSA, 2014)

Such conflicts can relate to financial or non-financial benefit for the OBS representative or their close family members.

Why we have a policy

Trustees have a legal obligation, and contracted providers and volunteers an ethical obligation, to act in the best interests of OBS and in accordance with OBS’s Constitution, and to avoid situations where there may be a potential conflict of interest.

Conflicts of interests may arise where an individual’s personal or family interests and/or loyalties conflict with those of OBS. Such conflicts may create problems; they can:

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

The aim of this policy is to protect OBS’ interests and reputation.

Any OBS representative must declare their interests, and any gifts or hospitality offered or received in connection with their role in OBS, to the Chair of Trustees when they start their relationship with OBS and annually thereafter. Conflicts of interest must also be raised during the recruitment and selection processes for OBS representatives.

Declaration of new or relevant conflicts of interest must be declared and will be a standing agenda item at all meetings of the board of trustees.

The following areas should be examined by OBS representatives for any conflict of interest:

- Employment
- Previous employment in which a financial, or other, interest remains
- Any other appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals
- Professional and organisational membership
- Membership of any special interest groups
- Investments
- Gifts or hospitality offered by external bodies
- Using, or caring for a user of, the organisation’s services

The level of detail required in the register may depend on:

- The likelihood of a conflict arising

- The potential damage that could be caused by a conflict.

Examples of conflicts of interest

- You or your partner work for an organisation that might, or does, provide funding to OBS
- You run a baby sleep coaching or breast pump hire business
- Your partner has a financial interest in or is a trustee of a potential drop-in venue
- You undertake privately paid lactation consultancy in the Oxfordshire area

If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the Chair of Trustees for confidential guidance.

Interests and gifts will be recorded on the charity's register of interests, which will be maintained by the Chair of Trustees. The register will be accessible by all trustees and facilitators and on request by any member of the public - via team@oxbreastfeedingsupport.org.

Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998 and GDPR. Data will be processed only to ensure that trustees, facilitators and volunteers act in the best interests of OBS. The information provided will not be used for any other purpose.

What to do if you face a conflict of interest

If you believe you have a perceived or real conflict of interest you should:

- declare the interest at the earliest opportunity
- withdraw from discussions and decisions relating to the conflict.

The Chair of Trustees should take special care to ensure that minutes or other documents relating to the item presenting a conflict are appropriately redacted for the person facing the conflict. A balance needs to be made to ensure that the person still receives sufficient information about the activities of the charity generally without disclosing such sensitive information that could place the individual in an untenable position.

If an OBS representative is also a current OBS user, they should not be involved in decisions that directly affect the service that they receive. They should declare the interest at the earliest opportunity and withdraw from any subsequent discussion, unless expressly invited to remain in order to provide information. In this case they may not participate in, or influence, the decision or any vote on the matter. They will not be counted in the quorum for that part of the meeting and must withdraw from the meeting during any vote on the conflicted item.

If you fail to declare an interest that is known to the Chair of Trustees, the Chair of Trustees will declare that interest.

Decisions taken where an OBS representative has an interest

In the event of the board of trustees having to decide upon a question in which an OBS representative 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 board of trustee members may not vote on matters affecting their own interests

All decisions under a conflict of interest will be recorded by the Chair of Trustees 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.

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

Where an OBS representative 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.

OBS representatives' professional interests

OBS representatives may be engaged in paid professions and businesses which offer products or services of value to OBS users.

OBS representatives shall not seek to profit financially from OBS users through their interactions with them as OBS representatives, nor will OBS representatives promote the financial interests of their family members, friends and colleagues, including other OBS representatives.

OBS representatives shall offer a range of choices to OBS users who require a product or service that any OBS representative might supply in a business capacity. For example, if a family wishes to employ a private IBCLC they will be referred to the LCGB website where the family can find comprehensive listings of practitioners.

When representing OBS, a facilitator, trustee or volunteer will never refer families directly either to herself or to another OBS representative in their business capacity. If an OBS

representative is approached about a private lactation consultation visit or other relevant paid activity while representing OBS, they will clarify with the family that they cannot undertake business discussions in that context and they will refer them to the LCGB website or equivalent.

It may be appropriate for OBS representatives to refer to the skills and experience they have gained within OBS during their professional lives. For example, it is appropriate to include OBS experience on their CV, to use OBS experience as an example in a job interview or to mention OBS experience in public descriptions of their professional role used to elicit work. Attention should be paid to comply with any relevant OBS policy (such as the privacy policy and commercial activities policy) and to protect OBS' reputation - specifically there should be no suggestion that the OBS representative can or will influence OBS on behalf of a third party, or that the representative has acted improperly. Equally the OBS representative should not use any confidential or privileged information (as opposed to generic skills and experience) acquired within their OBS role to their professional advantage.

The following guidance was used to formulate this policy and may be helpful when considering issue of conflicts of interest:

NCVO Charity Ethical Principles:

<https://www.ncvo.org.uk/policy-and-research/ethics/ethical-principles>

The Nolan Principles:

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

The Charity Governance Code:

<https://www.charitygovernancecode.org/en>

ICSA Specimen conflict of interest policy, declaration form and register of interests for charity trustees - 2014

Date of policy: July 2018
Revised: February 2021
Date for review: February 2024