

# HASU – Conflict of Interest Policy

<b>Approved by:</b>	Board of Trustees
<b>Date of approval:</b>	Sept 2022
<b>Implementation date:</b>	Sept 2022
<b>Review date (<i>no later than</i>):</b>	Sept 2024
<b>Responsible for implementation:</b>	Union Director
<b>Responsible for interpretation:</b>	Chair of the Board of Trustees

*Harper Adams Students' Union is a registered charity (charity number 1157391). It is a Charitable Incorporated Organisation registered in England and Wales (company number CE002077), whose registered office is at TF10 8NB, Harper Adams University, Edgmond, Shropshire, TF10 8NB*



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## Harper Adams Students' Union – Conflict of Interest Policy – September 2022

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### Conflicts of Interest Policy

This policy applies to trustees and staff of Harper Adams Students' Union.

#### 1.0 Why we have the policy

- 1.1** Trustees have a legal obligation to act in the best interests of the Union, and in accordance with the Union's governing document, and to avoid situations where there may be a potential conflict of interest. Staff and volunteers have similar obligations.
- 1.2** Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of the Union. Such conflicts may create problems; they can:
- (a) inhibit free discussion;
  - (b) result in decisions or actions that are not in the interests of the Union;
  - (c) risk the impression that the Union 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.

#### 2.0 The declaration of interests

- 2.1** Accordingly, we are asking trustees and senior staff to declare their interests, and any gifts or hospitality offered and received in connection with their role in the Union. A declaration of interests form is provided for this purpose, listing the types of interest you should declare.
- 2.2** To be effective, the declaration of interests needs to be updated at least annually, and when any material changes occur.
- 2.3** 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 charity secretary for confidential guidance.
- 2.4** This register of interests shall be used to record all gifts of a value over £0 and hospitality over £0 received by the trustees. Staff shall record all gifts of a value over £25 and hospitality over £25.
- 2.5** Interests and gifts will be recorded on the charity's register of interests, which will be maintained by the charity secretary.

#### 3.0 Data Protection

- 3.1** 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 and senior staff act in the best interests of the Union. The information provided will not

be used for any other purpose.

#### **4.0 What to do if you face a conflict of interest**

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

- (a) declare the interest at the earliest opportunity;
- (b) withdraw from discussions and decisions relating to the conflict.

**4.2** The charity secretary 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.

**4.3** If you are user of the Union's services, or the carer of someone who uses the Union's services, you should not be involved in decisions that directly affect the service that you, or the person you care for, receive(s). You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion, unless expressly invited to remain in order to provide information. In this case you may not participate in, or influence, the decision or any vote on the matter. You 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.

**4.4** There are situations where you may participate in discussions from which you could indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal. This action will be agreed by the chair and minuted accordingly.

**4.5** If you fail to declare an interest that is known to the charity secretary and/or the chair of the board, the charity secretary or chair will declare that interest.

#### **4.6 Decisions taken where a trustee or member of staff has an interest**

**4.6.1** In the event of the board having to decide upon a question in which a trustee or member of staff 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.

**4.6.2** Interested parties will not be counted when deciding whether the meeting is quorate. Interested board members may not vote on matters affecting their own interests.

**4.6.3** All decisions under a conflict of interest will be recorded by the charity secretary and reported in the minutes of the meeting. The report will record:

- (a) the nature and extent of the conflict;
- (b) an outline of the discussion; and
- (c) the actions taken to manage the conflict.

**4.7** Where a trustee benefits from the decision, this will be reported in the annual report and accounts in accordance with the current Charities SORP.

**4.8** 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.

**4.9** Where a member of the Union's staff are 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.

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

## **5.0 Managing contracts**

If you have a conflict of interest, you must not be involved in managing or monitoring a contract in which you 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.

## REGISTER OF TRUSTEES' INTERESTS

### **Background**

Articles in the Constitution requires that whenever a matter is to be discussed at a meeting and a Trustee has a personal interest in respect of that matter then they must declare their interest to the Trustees. It is best practice for a charity to have a Register of Trustees' Interests that is updated on an annual basis in order to ensure that any potential conflicts of interest are identified and disclosed.

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### **Register of Trustees' Interests 2022/2023**

Please complete the checklist below, ticking all interest areas that apply, and supply detail on the following sheet, referencing each item by using the numbers in the list.

<b>Checklist</b>		
<b>Ref no</b>	<b>Interest area</b>	<b>Tick if applicable</b>
1	Paid employment (other than Harper Adams Students Union, or Harper Adams University)	
2	Self-employment	
3	Directorship, or Partnership in a business or professional practice, or significant shareholdings	
4	Elected office in any organisation	
5	Trusteeships or participation in the management of charities and other voluntary bodies	
6	Public appointments (paid or unpaid)	
7	Relationships with staff or students of the University	
8	Appointments (paid or unpaid) in other higher education institutions or Students' Unions	
9	Significant involvement with any organisations with which the Students' Union might do business	
10	Ownership or part-ownership of property close to any Students' Union or University properties (other than own home)	
11	Membership of professional bodies	
12	Connection with Government Departments, the Higher Education Funding Councils or similar bodies	
13	Any contracts with the University	

**Harper Adams Students Union: Register of Trustees' Interests**

**NAME:**

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Noted below are items included in the Register of Interests Checklist which apply to me. Where there is any possibility of conflict of interest relating to connected persons or close business associates I also include relevant information. Please use further sheets if necessary.

*[NB The Constitution (article 2.7) states that "Connected person" means any person falling within one of the following categories and where payment to that person might result in the relevant Trustee obtaining benefit: (a) any spouse, civil partner, parent, child, brother, sister, grandparent or grandchild of a Trustee; or (b) the spouse or civil partner of any person in (a); or (c) any other person in a relationship with a Trustee which may reasonably be regarded as equivalent to such a relationship; or (d) any company or LLP or firm of which a Trustee is a paid director, member, partner or employee, or shareholder holding more than 1% of the capital.]*

I certify that to the best of my knowledge the entry on this page and the ..... (number of) attached pages are correct. I agree that this documentation will be held by the Students' Union and may be shown to anyone with a legitimate request. I note that the document will normally be updated annually but if there is any significant change I will inform the Chair of the Trustee Board as soon as possible.

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Signature

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Date