Angling Trust/Fish Legal

Conflicts of Interest Policy

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Objective	To encourage diversity of gender, ethnicity, age and accessibility throughout the Organisation and in angling participation generally. The Organisation, from the Board to the Executive, to the volunteers and all our members, whether individual or club, need to reflect the diverse culture of our country and to build bridges with all communities.		
Purpose	To support individuals to identify where conflicts of interest may exist and to provide some examples of interests that should be declared. To define the rules for management of conflicts of interest and provide information on how staff, Directors and associates should declare them. This policy aims to ensure that the Organisation acts, and is seen to act, in the best interests of angling at all times, rather than to benefit any particular individual.		

Revision History			
Version	**Date**	**Summary of Changes**	**Name**
1.1	July 2016	New Policy	Mark Lloyd
2.0	Oct 2019	Re-written to include more detail and an updated declaration form	Karen Watkinson

Approvals:				
Approved by: ATB/ FLC/ACA/CEO/ SMT/GC			**Date**	**Version**
Board(electronically)			23.03.2020	1.0
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ATB/FLC			19.02.2020	2.0
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Conflicts of Interest Policy

1. Policy Statement

Our Conflicts of Interest Policy concerns any case where an employee or associate's personal 'interest' might contradict the interest of the Angling Trust/Fish Legal.

The Angling Trust/Fish Legal expects all of its staff, Directors and associates to be open and transparent about any relationships they might have with third parties which could affect their judgement or decisions as part of their role within the organisation.

All staff, Directors and associates of the Angling Trust/Fish Legal will strive to avoid any conflict of interest between the interests of the organisation on the one hand, and personal, professional and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.

2. Background and Purpose

The relationship of the organisation with its employees and associates should be based on mutual trust. As the organisation is committed to preserve the interests of people under its employment or with whom it is associated, it expects them likewise to act only towards its own fundamental interests.

A conflict of interest may occur whenever an employee or associate's interest in a particular subject may lead them to actions, activities or relationships that undermine the organisation and may place it to disadvantage. The existence of conflicts of interest can have heavy implications for an employee or associate's judgement and commitment to the organisation, and by extension to the realisation of its goals.

As conflicts of interest can have legal implications, it is imperative that The Angling Trust/Fish Legal acts, and is seen to act, in the best interests of angling at all times, rather than to benefit any particular individual.

Situations that could give rise to conflict of interest would include an employee being able to use their position with the organisation to their personal advantage, an employee engaging in activities that will bring direct or indirect profit to another organisation, an employee owning shares of another organisation's stock, an employee using connections obtained through the organisation for their own private purposes, an employee using the organisation's equipment or means to support an external business, an employee acting in ways that may compromise the organisation's legality (e.g. taking bribes or bribing representatives of legal authorities).

The purposes of this policy are to protect the integrity of the organisation's decision-making process, to enable our stakeholders to have confidence in our integrity, and to protect the integrity and reputation of associates, staff and Directors.

This policy will outline the rules regarding conflicts of interest and the responsibilities of employees and the organisation in resolving any such discrepancies.

This policy provides some examples of interests that should be declared and how staff, associates and Directors should declare them. If there is any doubt, then an interest should be declared.

This policy is meant to supplement good judgment, and staff, associates and Directors should respect its spirit as well as its wording.

3. Scope

This policy applies to all prospective or current staff (including temporary staff) employed by the Angling Trust and Fish Legal, as well as volunteers and Directors. The policy also applies to independent contractors and persons acting on behalf of the company.

4. Definitions

The Organisation- Angling Trust or Fish Legal

Associate- An individual involved with or representing Angling Trust or Fish Legal. They may or may not be an employee

Conflict of Interest- a situation in which a person is in a position to derive personal benefit (financial or otherwise) from actions or decisions made in their official or professional capacity

Declaration of Interest- completion of a statement detailing outside interests (financial, business, private, personal or familial) that could conflict with, have the potential to conflict, or could be perceived to conflict with the interests of the organisation

5. Policy and Procedures

5.1 Examples of Conflicts with relevance to the organisation

Noting that conflicts of interest can be actual, perceived or potential, there follows a list, which while not intended to be comprehensive, is intended merely to prompt staff, Directors and associates to consider interests which they may not have thought were significant.

- Membership of an angling club
- Directorship of any business or organisation related to angling
- Being in receipt of payment or sponsorship from any business or organisation related to angling
- Having received free or discounted tackle or fishing from any business or organisation related to angling
- Being related to, partnered with or a close friend of another member of staff or a person involved in an angling organisation
- Owning shares in a business that may be awarded a contract to do work or provide services for the organisation
- Membership of an organisation that is anti-angling

5.2 General awareness of potential for conflicts of interest

The possibility that a conflict of interest may occur can be addressed and resolved before any actual damage is done. Therefore, when an employee understands or suspects that a conflict of interest exists, they should bring this matter to the attention of management so that corrective actions may be taken. Managers must also keep an eye on any potential conflict of interests of their staff. In general, employees are advised to refrain from letting personal and/or financial interests and external activities come into opposition with the organisation's fundamental interests.

5.3 Declaring an interest and mitigation of any conflicts of interest

5.3.1 All individuals

Upon appointment or commencement of association, each member of staff, associate or Director will make a full, written disclosure of interests, such as relationships, and posts held, that could potentially result in a conflict of interest. This written disclosure (See Appendix 1, Declaration of interests) will be given to new members in their induction pack and the completed version will be kept on file and will be updated annually or where there is any change in circumstances.

All staff, associates and Directors must complete a new declaration of interest form on becoming aware of any conflict of interest which might have a bearing on their role in the organisation. This must be submitted to the member of staff's line manager, and to the Chairman in the case of Directors.

Where any actual or potential conflicts of interest have been identified, mitigating actions to be taken must be detailed on the form along with details of the completion of these actions. Dependent on the potential impact of the conflict of interest, either the line manager or a senior manager may decide the actions required. In the most impactful cases, it may be that the person concerned is excluded from appointment.

The completed form constitutes a 'Register of Interests' for decision-making members.

All conflicts of interest will be resolved as fairly as possible. Senior management has the responsibility of the final decision when a solution cannot be found.

5.3.2 Conflicts of interest at meetings and arising within transactions

Declarations of interest are a standing item on the agenda for Board, Fish Legal Committee and other key meetings. At the start of each meeting, the representatives are asked by the Chair to declare any potential conflicts of interest relating to the business to be transacted in the meeting. These should be declared regardless of any previous disclosure and any such declaration is recorded in the minutes. Any new interests must be added to the member's register of interests to ensure it remains up to date.

In the course of both meetings and activities other than meetings, members will disclose any interests in a transaction or decision where there may be a conflict between the organisation's best interests and the member's best interests or a conflict between the best interests of two organisations that the member is involved with. After disclosure, the individual may be asked to leave the room either for the entire discussion and decision-making process or may be present for discussion but simply not partake in the decision-making part, depending on the judgement of the other members present at the time. In the most impactful cases, a member may refrain from attendance at an entire meeting and be excluded from the circulation list for minutes and paperwork relevant to the meeting in question. Any such disclosure and the subsequent actions taken will be noted in the minutes. Minutes will note:

- Who has the interest
- The nature of the interest and why it gives rise to a conflict, including the magnitude of any interest
- The items on the agenda to which the interest relates
- How the conflict was agreed to be managed
- Evidence that the conflict was managed as intended (for example recording the points during the meeting when particular individuals left or returned to themeeting)

Conflicts of interest, in terms of current policy and any breaches or concerns, will be an annual agenda item for discussion and review at the Board meeting.

5.4 Raising Concerns and Breaches

5.4.1 Raising Informal Concerns

It is the duty of every employee and associate to speak up regarding any genuine concerns about the management of conflicts of interest or the administration of this policy and to report these concerns. Individuals wishing to discuss any concerns on a strictly confidential basis should initially approach their line manager or where preferred another senior manager and arrangements will be made to speak to the appropriate person as per the individual's requirements.

5.4.2 Formal procedure for raising a concern or breach

It is anticipated that concerns arising as a result of conflicts of interest will normally be resolved informally, without requirement for a formal process. If, however, the concern cannot be resolved informally or there is a clearly perceived breach, the process to be followed is set out below.

Where appropriate, the employee's Whistleblowing Policy should be invoked (or the whistleblowing policy of the relevant employer organisation where the breach is being reported by an employee or worker of another organisation). In accordance with the Public Interest Disclosure Act 1998, protection will be provided for employees from possible reprisals, subsequent discrimination, victimisation or disadvantage if they have a reasonable belief that they have made any disclosure in good faith.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially and the outcome of the investigation reported back to the employee who raised the issue. A confidential record of concerns or breaches raised, how they have been investigated and the outcomes will be held securely by the CEO.

Stage 1: Raising the concern or breach - Details must be submitted to the COO in writing. Receipt will be acknowledged within three working days.

Stage 2: Initial Review - At this stage the CEO may contact the individual to request clarification or further information. The CEO (taking advice as necessary) will decide if the concern merits consideration as a conflict of interest and the individual will be informed of the outcome. In most cases, the initial review will be carried out within five working days.

Stage 3: In-depth Review - Following the initial review, the Chair (along with an appropriate Deputy if required), will review the details of the concern and any supporting evidence to determine whether resolution can be achieved without the need to involve the Board or Fish Legal Committee. The Chair

may call a meeting to discuss the matter without prejudice. If the Chair is unavailable or if the concern involves the Chair, the CEO or COO will instead review the concern and act in accordance with this procedure. Where the Chair, CEO and COO are unable to resolve the matter, the Board or Fish Legal Committee will be asked to review and advise.

Stage 4: The Decision - Following review of the concern, the CEO, COO, Board or Fish Legal Committee will notify the individual of the decision, explaining the rationale and, if necessary, any required course of action.

It is expected that the procedure as a whole should not take longer than three months.

5.5 Impact of non-compliance

5.5.1 Civil implications

Failure to comply with this policy on Conflicts of interest can have serious implications for the organisation and for individuals concerned. These may be civil (for example if breaches occur during a procurement exercise, the organisation may risk a legal challenge from providers that could potentially overturn the award of a contract, lead to damages claims against the organisation, and necessitate a repeat of the procurement process). This could impact organisational effectiveness and/or damage the organisation's reputation. In extreme cases, staff and other individuals could face personal civil liability.

5.5.2 Criminal implications

Failure to manage conflicts of interest could lead to criminal proceedings including for offences such as fraud, bribery and corruption. This could have implications for the organisation and linked organisations, as well as for the individuals who are engaged by them (See Anti-Bribery Policy within staff handbooks (PD09 and PD32) for more information).

5.5.3 Disciplinary Consequences

In cases when a conflict of interest is deliberately concealed or when a solution cannot be found, disciplinary action may be invoked up to and including termination (cessation of association in the case of non-employees).

6. Appendices

Appendix 1- Declaration of interests (Register of declared private, professional, commercial and other interests).
Appendix 1 – Record of actions taken to mitigate potential or actual conflicts

Appendix 1

DECLARATION OF INTERESTS
REGISTER OF DECLARED PRIVATE, PROFESSIONAL, COMMERCIAL AND OTHER INTERESTS

Name: …… Date: ……..

Please list potentially relevant bodies of which you are a member:

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……

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Main form of employment: name of organisation, and position held:

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Please give details of any potential conflicts of interest arising out of the following:

1) Personal remuneration (including employment, pensions, consultancies, directorships, honoraria etc.) Please identify organisation and category e.g. Pension

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2) Shareholdings and Financial Interests in Companies:

……..

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3) Collaborations with commercial bodies and fisheries:

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4) Un-remunerated involvement with and membership of other angling organisations (e.g. clubs) stating any post held:

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5) Close relationship with another member of staff or a person involved in an anglingorganisation:

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6) Any other potential conflict:

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Please tick box in the case that there are no known conflicts to declare ☐

I undertake to declare at meetings on Angling Trust/Fish Legal business any private, professional, political, commercial or other interests that might be perceived to conflict with Angling Trust interests or affect my decision-making, and which have not been listed above. I accordingly agree to update this written declaration annually and as circumstances arise. I note and accept that the Angling Trust/Fish Legal will hold these details electronically, and that the Register of Interests for decision-making members is subject to inspection by auditors and will be retained in line with the Angling Trust's policy.

Signature: …….. **Date**: .....

Appendix 2

Actions to be taken to mitigate identified potential or actual conflict of interest

Signature: …….. **Date**: .....

Signature: …….. **Date**: .....
(Line Manager or CEO)

Actions completed (with details)

Signature: …….. **Date**: .....
(Line Manager or CEO)