



## **Section C: Conflicts of Interest Policy**

**February 2018**



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# **CONFLICT OF INTEREST POLICY**

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## **Definitions**

1. In this policy "Relevant Interest" means any company directorship, trusteeship, elected office or remunerated post, any financial interest in an organisation or project likely to be affected by the work of the SWLEP or any other relevant interest.

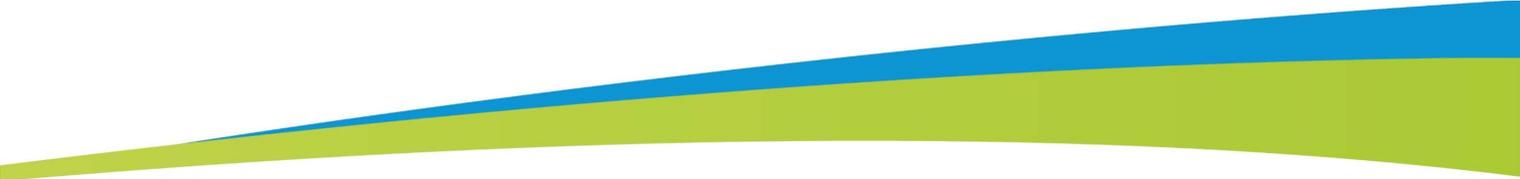
## **General**

2. All Board members must comply with this policy in full. By accepting appointment as a Board member, an individual indicates their acceptance of this requirement and their agreement to notify interests in accordance with this policy.
3. The Board shall conduct its proceedings so as to ensure that all conflicts and potential conflicts of interest are disclosed and that appropriate action is taken in response to such disclosures. This includes acting in the interest of the area as a whole and not according to sectoral or geographic interests of their member organisations.

## **Register of Interests**

4. The Director shall maintain a Register of Board Members' Interests which shall record all Relevant Interests of the Board members and which will be published on the SWLEP website. Board members shall supply information to the Director for inclusion in the register (or a nil return if appropriate) as soon as possible following their appointment and shall notify the Director at the earliest opportunity of any changes or additions to their Relevant Interests.
5. The Director shall:
  - a. send a request for information about Relevant Interests to any new Board member immediately following their appointment;
  - b. circulate to Board members at least annually a request to review their entries on the Register and notify any updates to the Director.
6. Subject to paragraph 8, a Board member shall not vote or participate in discussions on any matter which relates directly to an organisation or project in respect of which the Board member has a Relevant Interests, or where the matter may have a particular impact on such an organisation or project.

## **Conflicts of interest**

7. A conflict of interest arises on a matter to be discussed by the Board where:
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- a. the matter relates to an organisation with which a Board member or their partner/spouse or family member is associated as an employee, director, contractor, trustee, member or shareholder;
  - b. the matter may have a particular impact on an organisation with which a Board member or their partner/spouse or family member is associated as an employee, director, contractor, trustee, member or shareholder;
  - c. the matter may have a particular impact on a Board member, their partner/spouse, family member or close friend (i.e. an impact greater than the impact on the majority of Council tax payers or other comparable individuals in the area); or
  - d. the Board member has any other direct personal or financial interest in the outcome of the Board's discussion on the matter.
8. Where a Board member considers that s/he has or may have a conflict of interest in relation to a matter to be discussed by the Board, s/he must disclose the conflict or potential conflict to the Board prior to the commencement of the Board's discussion of that matter. This requirement applies regardless of whether he has previously declared the interest in the Register of Board members' Interests. A conflict of interest in relation to a Board member representing a public sector organisation would, in general terms, only arise where the public sector organisation would derive a direct financial benefit in terms, for example, of a capital receipt being generated, as the result of the decision on the matter to be discussed by the Board.
9. Where a Board member makes a declaration under paragraph 8, unless the Board agrees that the matter declared does not fall within the definition of a conflict of interest the Board member shall not participate in or vote on the relevant matter and may, at the Chair's discretion, be asked to withdraw from the meeting.
10. A disclosure by a Board member under paragraph 8 and all decisions relating to that disclosure shall be minuted.

### **Breach of the policy**

11. In the event of a complaint that an alleged action or actions by a Board Member or a number of Board Members contravene(s) the SWLEP Code of Conduct, the Board will convene a group of 3 independent individuals appointed by the Director (The Independent Review Panel), who are not Board Members, are not conflicted by the allegation and have the required skills to review the veracity of the allegation. The group is charged with making a decision as to whether the allegation is fully or

partially proven or unproven. The Independent Review Panel will report to the Board on the outcome of its review, including recommending to the Board what action it should take in respect of the Board Member or number of Board members who were the subject of the complaint.

12. When a complaint is received, the Chair (or in their absence the Vice-Chair), after taking advice from the Director will decide whether or not they should make an immediate recommendation to the Board to suspend the member or members from attending Board meetings and Board business subject to the complaint pending the outcome of the investigation by the Independent Review Panel and the response of the Board to the Panel's recommendations. Suspension is a neutral act enabling a full investigation to be carried out and is not intended to pre-judge the outcome of the investigation. It is expected that such investigations will be completed within 30 working days of the Board's decision to investigate. However the Board may extend the time for completion of an investigation where if it considers it is necessary to do so.

#### **Declaration of acceptance of appointment**

13. All Board Members are required to make a declaration of acceptance of appointment on the form included as appendix I to this policy before or at the first Board Meeting after their appointment.



**Appendix I: Declaration of acceptance of appointment to the SWLEP Board**

I .....

having been appointed as a Board Member of the Swindon and Wiltshire Local Enterprise Partnership declare that I take this role upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

Signed ..... Date.....

This declaration was made and signed before me:

Signed ..... Date.....

Proper officer of the SWLEP

