Conflict of Interest Policy

This policy applies to all Trustees and Observers of Haemochromatosis UK (HUK). It is informed by the Charity Commission Guidance
Conflicts of interest: a guide for charity trustees (CC29) - GOV.UK

Why We Have This Policy

Our Trustees have a legal obligation to –

- Act in the best interests of HUK
- Act in accordance with the charity's articles of association and other governing documents
- Avoid situations where there may be a potential (or actual) conflict of interest or conflict of loyalty

Our constitution makes specific provision for the management of conflicts of interest or loyalty in clause 32 of the charity's articles of association.

Details of the type of situations that may give rise to a conflict of interest or loyalty are set out in the Charity Commission guidance above. In brief a conflict of interest or loyalty is any situation in which a Trustee's personal interests, or interests that they owe to another body or individual may (or may appear to) influence or affect the Trustee's decision making.

The aim of this policy is to protect HUK and the individuals concerned from any actual impropriety or any appearance of impropriety.

Although it is inevitable that conflicts of interest may occur from time to time, the issue is not the integrity of the Trustee concerned, but the careful management of any potential to profit or benefit from a person's position as Trustee, or for a Trustee to be influenced by conflicting loyalties.

The law states that Trustees may not receive any benefit from a charity in return for any service they provide, unless they have an express legal authority to do so. 'Benefit' includes any property, goods, services which have a monetary value, as well as money itself. This legal authority will come either from a clause in the charity's governing documents or, where there is no adequate clause, from the Charity Commission/Office of the Scottish Regulator (OSCR) or a Court of Law. Even the appearance of a conflict of interest can be damaging to the charity's reputation, so conflicts need to be managed carefully and transparently.

Transparency is achieved by requiring explicit authorisation of the benefit and by ensuring that any particular conflict of interest is properly and openly managed. It is the potential or appearance of, as well as any benefit, which arises from the conflict of interest which must be managed. In order to avoid a breach of trust and to ensure transparency, authority is required

where there is even the possibility of a benefit. This will avoid accusations of impropriety, which could in turn have a damaging effect on the charity's reputation.

Conflict of interest may arise in a number of different forms;

- Direct financial gain to the Trustee, such as
  - Payment to a Trustee for services provided to the charity
  - The award of a contract to another organisation in which the Trustee has an interest and which the Trustee may receive financial benefit from
  - The employment of a Trustee in a separate post within the charity, even when the Trustee has resigned in order to take the employment
- Indirect financial gain, such as employment by the spouse or partner of the Trustee, where their finances are independent
- Non-financial gain, where a user of the charity's services is also a Trustee
- Conflicts of loyalties, such as where a Trustee is appointed by a funder or is a friend or relative of an existing board member.

These are just examples and they are not exhaustive or complete.

The Declaration of Interests

- Accordingly, all Trustees are requested to complete a Declaration of Interests form and to promptly declare any gits or hospitality received in connection with their role as at HUK. To be effective the Declaration of Interests form should be updated promptly whenever any changes occur and should be re-declared at least every year. In particular, Trustees should be mindful that a conflict can occur at any time – even during a board meeting – and should be declared immediately if an unexpected point or potential matter of conflict arises during the board meeting.
- Declaration of Interests shall be included at board meetings of HUK.

If you are a user of or carer of someone who is a user of HUK services, you should not be involved in decisions that directly affect that service that you or the person you care for, receive from Haemochromatosis UK. You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. This also applies if you face a conflict of loyalty at any time.

You may however participate in discussion where you might indirectly benefit, for example where the benefits are universal to all members or where your benefit is minimal.

If you are not sure what to declare or when to declare it, please err on the side of caution. If you would like to discuss this issue, please contact the Chair or the CEO for a confidential discussion. Interests and gifts will be recorded on the charity's register of interests, which is accessible only to the Chair and CEO.

Decisions Where a Trustee has an Interest

If the Board needs to discuss and make a decision on a matter in which a Trustee has an interest, the Trustee will be removed from the decision-making process. In particular, interested parties will not be counted when deciding whether the meeting is quorate, and they may not vote.

All decisions affected by a conflict of interest or loyalty will be recorded by the Chair and/or CEO and reported in the minutes of the meeting. The report will include;

- The nature and extent of the conflict
- An outline of the discussion
- The actions take to manage the conflict

Where a Trustee may benefit from a decision, this will be reported in the Trustees Annual report and accounts in accordance with the prevailing Charity Commission guidance set out in the Statement of Recommended Practice. All payments or benefits in kind will be reported in the charity's accounts and annual report, with the amounts for each Trustee listed for the year in question.

Managing Contracts

Where a Trustee has an interest, they may not be involved in managing, monitoring or awarding a contract in which they have an interest.

Data Protection & Privacy

The information provided to the charity's register of interests will be processed in accordance with the UK GDOR and the charity's Data Protection & Privacy policy. Data will be processed only to ensure Trustees action in the best interests of the charity – and for no other purpose.

Review

This policy was created in 2022. It was reviewed in May 2026.
The next review is May 2028.