

Conflict of Interest Policy

October 2024

Policy	Conflict of Interest v1.0
Author	Mark McGeachie, Charity Director
Approval	Board of Trustees, October 2024
Date of last review	n/a
Date of next review	October 2027

Fife Health Charity's Policy on Conflict of Interest applies to all those who are authorised to take part in decision-making or to whom authority over charity funds has been delegated, be that an individual or committee. As such, references to Trustees' interests should be read as applicable to any individual or committee acting on the Trustees delegated authority.

1. Trustees shall observe all their obligations under the Charities and Trustee Investment (Scotland) Act 2005 and subsequent legislation. All Trustees must put the interests of the charity before their own personal interests or other duty they may have, or any other person or organisation. 4.2 The Trustees are accountable in law for the discharge of the duties of a charity Trustee as described in Section 66 of the 2005 Act, and are required to satisfy any other obligations in law required of a Trustee.

Specifically the Trustees must individually and collectively:

- Act in the best interests of the charity;
 - Seek to ensure that the charity acts consistently with its purposes;
 - Manage the affairs of the charity with the same care and diligence that it is reasonable to expect someone managing the affairs of another person; and
 - In circumstances capable of giving rise to a conflict of interest put the interests of the charity first or where this is not possible, disclose the interest and not take part in any discussion or decision on the matter.
2. Fife Health Charity has adopted the Members' Code of Conduct and the Standards of Business Conduct (Staff) sections of the Fife NHS Board Code of Corporate Governance, which sets out requirements of Board Members and Staff, respectively. Any interests registered or declared as a consequence of observing the associated Code of Conduct, shall be used for the application of this policy. A separate Register of Interests shall be maintained for the Trustees from the Register maintained for Board members.
 3. Any Trustee who has a clear and substantial interest in a matter under consideration by the Trustees or a Committee should declare that interest at any meeting where the matter is to be discussed, whether or not that interest is already recorded in the Trustees' register of interests. Such declarations should make clear the interest and whether it is of an either direct or indirect financial nature.
 4. Where such an interest is of a direct or indirect financial nature, the member involved should withdraw from any meeting and not speak, participate in or otherwise seek to influence any decision taken by the Trustees or Committee relating to the matter under discussion.

5. Trustees who are also principals or other employees of bodies which receive funds from the charity (other than the NHS Board) may participate in general discussions and decisions regarding such bodies, but should withdraw and not participate in any discussion or decision which relates principally to the particular institution with which they are associated. The Chair should take particular care to ensure that no possible conflict of interest in this area is allowed to arise.
6. Where a Trustee has an interest that is not financial but which is relevant to the Trustees' business, that interest should be declared. Where the interest is substantial, the member involved should withdraw from discussions and decisions relating to that interest. Where an interest arises from membership of a public body and is not of a financial nature, full participation in the discussion and decision is permitted.
7. In all cases, 'Trustees' interests' covers also the interests of any related parties, including family members or members of the same household who may be expected to influence, or be influenced by, Trustees.
8. In all circumstances, Trustees should ask themselves whether members of the public, knowing the facts of the situation, could reasonably conclude that the interest involved might influence the approach taken to the actions of the Trustees. If so, the interest is sufficient to oblige the Trustee to withdraw.
9. In case of doubt as to whether any interest or matter should be the subject of a notice or declaration under the Code, Trustees should err on the side of caution and submit a notice/make a declaration or seek guidance from the Charity Director, who for this purpose is also the designated secretary for the Board of Trustees, as to whether a notice/declaration should be made.
10. Where the Code requires an interest to be registered, or an amendment to be made to an existing interest, this shall be notified to the Charity Director by giving notice in writing using the standard form available from the Charity Director within one month of the interest or change arising. The Charity Director will write to Trustees every year to request them to formally review their declaration.
11. Persons appointed as Trustees shall have one month to give notice of any registerable interests under the Code, or to make a declaration that they have no registerable interest in each relevant category as specified in the standard form to be supplied by the Charity Director
12. The Charity Director shall be responsible for maintaining the Register of Interests and for ensuring it is available for public inspection at the principal offices of the charity at all reasonable times.

13. The Register shall include information on:-
- the date of receipt of every notice;
 - the name of the person who gave the notice which forms the entry in the Register;
 - a description of the information contained in the notice.
14. Trustees shall make a declaration of any gifts or hospitality received in their capacity as a Trustee. Such declarations shall be made to the Charity Director.