



Scottish Disability  
Sport

## Scottish Disability Sport Conflicts of Interest Policy

Reviewed by Board – August 2023

This policy applies to Scottish Disability Sport (SDS) Directors and all staff, be they executive or non-executive, paid or unpaid.

### Why we have a Policy

Directors have a legal obligation to act in the best interests of SDS, and in accordance with SDS's governing document, and to avoid situations where there may be a potential conflict of interest. Staff and volunteers have similar obligations.

A conflict of interest or loyalty arises where an individual's personal interests or loyalties, or the interests or loyalties which that individual owes to another organisation, conflict with the interests of SDS. The individuals must manage any situation where they have the potential to benefit personally from their position or are influenced by conflicting loyalties. This also applies to individuals who have a close family member who has an interest in such a matter (including carers).

Examples of conflicts include:

- direct financial gain or benefit to the individual or close family member, such as payment to an individual for services provided to SDS or the award of a contract to another organisation in which an individual or close family member has an interest and from which they will receive a financial benefit;
- indirect financial gain, such as employment by SDS of a close family member or friend of an individual, or external funding or personal interests or loyalties; or
- non-financial gain.

Such conflicts may create problems; they can:

- Inhibit free discussion;
- Result in decisions or actions that are not in the interests of SDS; and
- Risk the impression that SDS has acted improperly.

The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

### The Declaration of Interests

Accordingly, we are asking Directors and all staff to declare their interests in connection with their role with SDS on an annual basis. A declaration of interests form is provided for this purpose (**see Appendix A**), listing the types of interest you should declare, and will be maintained by the Senior Administrator. All Directors and staff must reconfirm their interests annually, even if this is a nil declaration.

To be effective, the declaration of interests needs to be updated at least annually, and also when any changes occur.

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 CEO for confidential guidance.

### **Register of Interests**

This register of interests shall also be used to record all gifts and hospitality of a value over £100 received by the Directors and staff.

Gifts and hospitality will be recorded on the Association's register of interests (**see Annex B**), which will be maintained by the Senior Administrator. The register will be completed by Directors and staff, with all incidences formally recorded.

### **Data Protection**

The information provided will be processed in accordance with data protection principles as set out in the UK Data Protection Act 2018 and UK GDPR. Data will be processed only to ensure that Directors and all staff act in the best interests of SDS. The information provided will not be used for any other purpose.

### **What to do if you face a Conflict of Interest**

If you are a beneficiary of SDS's services, or the carer/spouse/family member of someone who uses SDS's services, you should not be involved in decisions that directly affect the service that you, or the person you care for/spouse/family member, receive(s). You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if you face a conflict for any other reason. You may, however, participate in discussions from which you may indirectly benefit, for example, where the benefits are universal to all users, or where your benefit is minimal.

If you fail to declare an interest that is known to the Chair and / or CEO, the Chair of the Board and / or the CEO will make that interest known on your behalf. You may be subject to disciplinary action if you knowingly withhold any interest from which you stand to benefit in contravention of the terms of this policy.

### **Decisions taken where a Director or Member of Staff has an Interest**

In the event of the Board of Directors having to decide upon a question in which a Director or member of staff has an interest, all decisions will be made by vote, with a simple majority required. In the event of a tie, the Chair will have the casting vote. A quorum must be present for the discussion and decision; 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.

Conflicts of interest will be a standing agenda item at all Board meetings and all decisions under a conflict of interest will be recorded and reported in the minutes of the meeting. The report will record:

- The nature and extent of the conflict.

- An outline of the discussion;
- The actions taken to manage the conflict.

Where a Director benefits from the decision, this will be reported in the annual accounts.

Payments, or benefits in kind, valued £100 or over will be reported in the annual accounts, with amounts for each Director listed for the year in question.

Where a member of SDS staff is connected to a party involved in the supply of a service or product to the Association, this information will also be fully disclosed in the annual accounts.

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

### **Managing Contracts**

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.

### **Conflict Summary Register**

SDS will maintain a summary register detailing all declared interests, including a section for how any declared conflicts will be managed.

For further information see:

ICSA's Best Practice Guide *Managing Conflicts of Interest in the Not-for-Profit Sector* (Revised 2009).

**ANNEX A: DECLARATION OF INTERESTS**

I am a employee\* (\*delete as appropriate) of Scottish Disability Sport. I have set out below my interests in accordance with the Association's conflicts of interest policy.

<b>NAME:</b>
<b>POSITION:</b>
<b>DATE:</b>

<b>Category</b>	<i>Please give details of the interest and whether it applies to yourself or, where appropriate, a member of your immediate family, connected persons, someone you care for or some other close personal connection.</i>
Current employment and any previous employment in which you continue to have a financial interest.	
Appointments (voluntary or otherwise), e.g. Directorships, local authority membership, tribunals etc.	
Membership of any professional bodies, special interest groups or mutual support organisations.	
Investments in unlisted companies, partnerships and other forms of business, major shareholdings (charities may set a figure here, e.g. more than 1% or 5% of issued capital) and beneficial interests.	
Do you use, or care for a user of the organisation's services?	
Any contractual relationship with the organisation or any of its subsidiaries.	
Any other conflicts that are not covered by the above.	
Any other 'Matters of Concern'.	

To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **APPENDIX B REGISTER OF INTERESTS**

SDS has the responsibility of ensuring that Directors and staff are not perceived to be influenced in the performance of their duties by the receipt of gifts and / or hospitality from external persons or organisations. Directors and staff are required to record the receipt of any gifts and / or hospitality with a value in excess of £100 received as a result of their position with SDS.

Directors and staff are reminded that SDS is required to provide the complete register to any interested parties on request and as a consequence it is important that it is up-to-date, accurate and comprehensive.

**Please note that an annual return is required from all Directors and staff**

<b>NAME:</b>
<b>POSITION:</b>
<b>DATE:</b>

### **GIFTS**

<b>Date Received</b>	<b>Description</b>	<b>Approximate Value</b>	<b>Circumstances</b>	<b>Donor</b>

### **HOSPITALITY**

<b>Date</b>	<b>Nature of Hospitality</b>	<b>Event/Circumstance</b>	<b>Host</b>