



Section C: Conflicts of Interest Policy

October 2021



CONFLICT OF INTEREST POLICY

Conflicts of Interest Policy

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 Directors must comply with this policy in full. By accepting appointment as a Board Director, 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 SWLEP CEO 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 SWLEP CEO for inclusion in the register (or a nil return if appropriate) as soon as possible following their appointment and shall notify the SWLEP CEO at the earliest opportunity of any changes or additions to their Relevant Interests.
5. The SWLEP CEO 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 SWLEP CEO.
6. Subject to paragraph 8, a Board Director shall not vote or participate in discussions on any matter which relates directly to an organisation or project in respect of which the Board Director 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:
 - c. the matter relates to an organisation with which a Board Director or their partner/spouse or family member is associated as an employee, SWLEP CEO, contractor, trustee, member or shareholder;
 - d. the matter may have a particular impact on an organisation with which a Board Director or their partner/spouse or family member is associated as an employee, SWLEP CEO, contractor, trustee, member or shareholder;
 - e. the matter may have a particular impact on a Board Director, their partner/spouse, family member or close friend (that is, an impact greater than the impact on the majority of Council tax payers or other comparable individuals in the area); or
 - f. the Board Director has any other direct personal or financial interest in the outcome of the Board's discussion on the matter.
8. Where a Board Director 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 Directors' Interests. A conflict of interest in relation to a Board Director 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 Director 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 Director 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 Director 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 Director or a number of Board Members contravene(s) the SWLEP Code of Conduct, the Board will convene a group of three independent individuals appointed by the SWLEP CEO (The Independent Review Panel), who are not Board Director, 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 Director or number of Board Directors 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 SWLEP CEO will decide whether or not they should make an immediate recommendation to the Board to suspend the Director or Directors 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.