



Nottingham Music Service CIO Conflict of Interest Policy

This version: 1.0
Ratification status: Ratified – 28th January 2014
Current ratified version: None
Next board review due: N/A
Notes:

This policy applies to all trustees of Nottingham Music Service CIO (NMS)

Excerpt from the NMS constitution regarding conflicts of interest and conflicts of loyalty

A charity trustee must:

- 1) declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the CIO or in any transaction or arrangement entered into by the CIO which has not previously been declared; and
- 2) absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict of interest will arise between his or her duty to act solely in the interests of the CIO and any personal interest (including but not limited to any financial interest)

Any charity trustee absenting himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the charity trustees on the matter.

Why have a policy?

As detailed above in the governing document trustees have an obligation to act in the best interests of the Nottingham Music Service CIO (henceforth referred to as “NMS”) and in accordance with its constitution and to avoid situations where there may be a potential conflict of interest. Conflicts of interests may arise where an individual’s personal or family interests and/or loyalties conflict with those of NMS.

Such conflicts may create problems; they can:

- Inhibit free discussion;
- Result in decisions or actions that are not in the interests of NMS; and
- Risk the impression that NMS 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 Trustees to declare their interests, and any gifts or hospitality received in connection with their role in NMS. A declaration of interests form is provided for this purpose, listing the types of interest you should declare.

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 Chair for confidential guidance. Interests will be recorded on the NMS register of interests. The policy will be accessible by the Board of Trustees, senior staff and the public via the Nottingham Music Hub website. The register of interests will be accessible by the Board of Trustees, senior staff and the public if individually requested.

Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that Board members act in the best interests of NMS. 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 user of NMS services, or the carer of someone who uses NMS services, you should not be involved in decisions that directly affect the service that you, or the person you care for, receive(s). Similarly if you work for an organisation which could benefit directly from any decision made by NMS, or if you or a member of your family could directly benefit from such a decision you should not be involved in making that decision. Additionally If you have a conflict of loyalty relating to an organisation in partnership with or supporting NMS you should not be involved in decisions that affect that particular relationship.

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 of the Board or senior staff, the Chair of the Board will declare that interest.

Decisions taken where a board member or member of staff has an interest

In the event of the board having to decide upon a question in which a Board Member or member of staff has an interest, all decisions will be made by vote, with a simple majority being required. 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. They must absent themselves from the discussion.

All decisions under a conflict of interest will be recorded by the CEO 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 trustee benefits from the decision this will be reported in the annual report and accounts in accordance with the current Charities SORP.

All payments or benefits in kind to trustees will be reported in the charity's accounts and annual report.

Independent external moderation through an external arbitration service will be used where conflicts cannot be resolved through the usual procedures, through an EGM or AGM

Managing contracts

If you have a conflict of interest or conflict of loyalty, 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.

Monitoring, Reporting and Review

Senior staff will ensure that NMS monitors the effectiveness of this policy through the collection and analysis of monitoring data. This data shall provide the basis of scheduled reviews of this policy.

Appendix 1

Trustee Details	
Trustee Name:	Trustee Signature:
Professional Role: Employer:	Date of Declaration:
Type of Interest	Description of Interest
Gifts and hospitality (a description of any gifts and hospitality received in connection with your role as Trustee of NMS)	
Professional Interest (to identify any areas of your organisation's remit/or freelance work that could be perceived to be in conflict with an area of work covered in NMS's business plan)	
Non-financial interests and related undertakings (to identify any voluntary involvement with an organisation, group, or cause, that could be perceived to cause a conflict of loyalty with NMS)	
Other	