

## **SOLVING KIDS CANCER UK CONFLICTS OF INTEREST POLICY**

|                |             |  |       |
|----------------|-------------|--|-------|
| Effective from | Last review |  | Owner |
| Nov 24         | Jan 25      |  | CEO   |

### **Definition**

A conflict of interest is any situation in which the personal interests or interests owed to another body, of a trustee, employee or volunteer run counter to those of the charity. i.e. a situation in which someone cannot make a fair decision because they will be affected by the result.

### **1. Policy statement and aims**

When competing interests impair our ability to make objective, unbiased business decisions we have a conflict of interest. You may face a conflict of interest when your professional duties as our employee, trustee or volunteer and your personal interests diverge. They may take the form of financial interests in a supplier's or customer's business, recruiting a close family member or engaging in employment outside of our organisation.

The aims of this policy are to:

- communicate our requirements in respect of conflicts of interest;
- advise all employees, trustees and volunteers of their obligation to disclose conflicts of interest and maintain high ethical standards;
- ensure that all commercial and operational decisions are made in the best interests of our organisation.

This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary elements, such as any time limits, as appropriate in any case.

Other related policies include;

- Working with the Pharmaceutical Industry – SKC UK Ethics, Conflicts and Guidelines.
- SKC UK Ethics Policies.

This document covers the policy and procedures relating to;

- Trustees
- Staff
- Volunteers
- SKC UK Scientific Advisory Board

## **2. Types of Conflict**

**For the purposes of this policy, conflicts of interest can be categorised into three types: Actual, Potential, and Perceived.**

- Actual Conflict of Interest – A situation where a person's private interests (financial, personal, or otherwise) directly conflict with their professional responsibilities or duties. This occurs when an individual is in a position to benefit personally from decisions made in their official role.
- Potential Conflict of Interest – A situation where a person's private interests could conflict with their professional responsibilities in the future. This means that although no conflict currently exists, circumstances could develop that create a conflict.
- Perceived Conflict of Interest – A situation where it could reasonably appear to an outside observer that a person's private interests might improperly influence their professional responsibilities, even if no actual conflict exists. The perception of a conflict can be as damaging as an actual conflict and must be managed accordingly.

All types of conflict of interest are relevant for this policy and all Actual, Potential and Perceived conflicts of Interest are subject to this policy and should be reported and managed appropriately.

## **3. Trustees**

Trustees have a legal duty to act only in the best interests of their charity. They must not put themselves in any position where their duties as trustee may conflict with any personal interest they may have.

Conflicts of interest can lead to decisions that are not in the best interests of the charity, and which are invalid or open to challenge. Conflicts of interest can also damage a charity's reputation or public trust and confidence in charities generally. These harmful effects can be prevented where individual trustees can identify conflicts of interest, and the trustee body can act to prevent them from affecting their decision making.

**All trustees have a legal duty to act only in the best interests of their charity.**

### **3.1 Conflicts of interest usually arise where either:**

- 2.1.2 there is a potential financial or measurable benefit directly related to a trustee, or indirectly through a connected person
- 2.1.3 a trustee's duty to the charity may compete with a duty or loyalty they owe to another organisation or person

In practice this means that trustees cannot receive any benefit from the Charity in return for the service they provide to the Charity, unless they have express legal authority to do so.

### **3.2 Conflicts of loyalty**

These conflicts of interest arise because, although the affected trustee does not stand to gain any benefit, the trustee's decision making at the charity could be influenced by his or her other interests.

For example, a trustee's loyalty to the charity could conflict with his or her loyalty to

- the body that appointed them to the charity
- the membership or section of the charity that appointed them to trusteeship
- another organisation, such as their employer
- another charity of which they are a trustee
- a member of their family
- another connected person or organisation

The test is always that there is a conflict of interest if the trustee's other interest could, or could be seen to, interfere with the trustee's ability to decide the issue only in the best interests of the charity.

### **3.3 Identifying and declaring conflicts of interest from affecting decision making**

Once a conflict of interest has been identified it must be declared to the Chair of Trustees and entered onto the Register of Interests.

### **3.4 Register of Interests of trustees**

All trustees should complete a Register of Interests of trustees on an annual basis and be alert to any other possible conflicts of interest and advise the Chair as soon as they arise.

Conflicts of interest is to be a standard agenda item at the beginning of each Board and Committee meeting to allow the opportunity for declaration of any actual or potential interest in any of the items on that agenda.

A trustee should declare any interest which he or she has in an item to be discussed, at the earliest possible opportunity and certainly before any discussion of the item itself.

If a trustee is uncertain whether or not he or she is conflicted, he or she should err on the side of openness, declaring the issue and discussing it with the other trustees.

If a trustee is aware of an undeclared conflict of interest affecting another trustee, they should notify the other trustees or the Chair.

Any trustee who has a financial interest in a matter under discussion, should declare the nature of their interest and withdraw from the room, unless they have a dispensation to speak.

If a trustee has any other interest which does not create a real danger of bias, but which might reasonably cause others to think it could influence their decision, they should declare the nature of the interest, but may remain in the room, participate in the discussion, and vote if they wish.

If in doubt about the application of these rules, the Chair should be consulted.

### **3.5 Record the conflict of interest**

Keep a written record of the decision.

The Charity Commission specifically expects the charity's written records to document any conflicts of interest and how the trustees have dealt with them. The usual way to record the trustees' decisions is in the minutes of their meetings.

Where there is a conflict of interest, the trustees should ensure that the written record of the decision shows:

- 2.6.1 the nature of the conflict
- 2.6.2 which trustee or trustees were affected
- 2.6.3 whether any conflicts of interest were declared in advance
- 2.6.4 an outline of the discussion
- 2.6.5 whether anyone withdrew from the discussion
- 2.6.6 how the trustees took the decision in the best interests of the charity

Recording decisions in this way helps trustees to show that they have acted properly and complied with their duties.

It is a trustee's responsibility to identify any conflicts of interest or potential conflicts of interest immediately.

**The Charity Commission maintains a conflict of interest policy which can be accessed [here](#).**

## **4. Staff**

Staff need to be mindful of potential conflicts of interest. These can occur if people use their position within the charity to:

- further their own financial interests e.g. by taking on private work with a client
- benefit a third party with whom they are associated e.g. recommend a tradesperson to whom they are related
- discriminate against a service user due to their political or religious views or allegiances
- refer people to agencies with whom they have a connection e.g. to a particular charity with whom you have an involvement
- unfairly benefit a service user to whom they are related e.g. by applying a reduced charge for a service

OR

- are employed or engaged by an organisation in competition with the Charity
- are involved with groups whose values are in conflict with those of the Charity.

This list is not intended to be exclusive but is indicative of the kind of issues that can arise.

### **Expectations of all staff**

You are expected to:

- maintain the highest possible standard of integrity in all your business relationships, both inside and outside our organisation;
- reject any business practice which might reasonably be deemed improper (including improper practices which might benefit our organisation);
- never use your authority or position for personal gain;
- at all times, act with impartiality, independence and integrity;
- avoid being, or giving the appearance of being, in a position which may result in an actual or perceived detriment to our reputation and/or interests.

You must disclose or seek direction on any issues which may potentially conflict with your responsibilities to us as an employee.

You are not permitted to engage in transactions on our behalf with organisations or individuals with which you have an interest. All decision making and transactions with the organisation concerned will be handled and managed independently.

### **Situations when a disclosure should be made**

It is not possible to define all situations or relationships which may create a conflict of interest, so each situation must be evaluated individually. However, some of the more obvious conflicts include:

- having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or one of our partners or is seeking to become one;
- a close family member (including children, in-laws, partner or spouse) having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or

- one of our partners, or is seeking to become one;
- having a close or longstanding relationship/friendship with a business which either is a competitor, customer, supplier or one of our partners, or is seeking to become one.

In all cases, individuals have a responsibility to assess the potential conflict. Actual or perceived conflicts of interest must be disclosed.

## **Procedure and responsibilities**

Actual conflicts of interest must be avoided and potential conflicts of interests carefully managed. Managers must review the disclosed interest, discuss it openly and manage it so that employees do not become involved in or influence situations where actual conflicts of interest occur.

Disclosure should be made to your manager and the Head of Operations in the first instance and recorded on the Conflicts of Interest register. Employees making positive disclosures will be asked on an annual basis to review conflicts of interest.

Most conflicts of interest can be successfully managed if they are known and out in the open. Staff and volunteers interests outside of their role with the charity, providing they are transparent, should not necessarily prevent them from continuing in that role.

If you wish to undertake other work while you are employed by us then you must obtain prior written consent from your manager.

If you are in any doubt as to whether a conflict of interest exists discuss the situation with your manager.

Where it is deemed that a member of staff acted in their own interests to the potential detriment of others or the Charity disciplinary action will be taken.

## **5. Volunteers**

Volunteers also need to be mindful of potential conflicts of interest. These can occur if people use their voluntary position within the charity to:

- further their own financial interests e.g. by taking on private work with a client
- benefit a third party with whom they are associated e.g. recommend a tradesperson to whom they are related
- discriminate against a service user due to their political or religious views or allegiances
- refer people to agencies with whom they have a connection e.g. to a particular charity with whom you have an involvement
- unfairly benefit a service user to whom they are related e.g. by applying a reduced charge for a service

OR

- are employed or engaged by an organisation in competition with the Charity
- are involved with groups whose values are in conflict with those of the Charity.

This list is not intended to be exclusive but is indicative of the kind of issues that can arise.

## **Expectations of all volunteers**

You are expected to:

- maintain the highest possible standard of integrity in all your business relationships, both inside and outside our organisation;
- reject any business practice which might reasonably be deemed improper (including improper practices which might benefit our organisation);
- never use your authority or position for personal gain;
- at all times, act with impartiality, independence and integrity;
- avoid being, or giving the appearance of being, in a position which may result in an actual or perceived detriment to our reputation and/or interests.

You must disclose or seek direction on any issues which may potentially conflict with your responsibilities to us as a volunteer.

You are not permitted to engage in transactions on our behalf with organisations or individuals with which you have an interest. All decision making and transactions with the organisation concerned will be handled and managed independently.

## **Situations when a disclosure should be made**

It is not possible to define all situations or relationships which may create a conflict of interest, so each situation must be evaluated individually. However, some of the more obvious conflicts include:

- having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or one of our partners or is seeking to become one;
- a close family member (including children, in-laws, partner or spouse) having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or one of our partners, or is seeking to become one;

- having a close or longstanding relationship/friendship with a business which either is a competitor, customer, supplier or one of our partners, or is seeking to become one.

In all cases, individuals have a responsibility to assess the potential conflict. Actual or perceived conflicts of interest must be disclosed.

## **Procedure and responsibilities**

Actual conflicts of interest must be avoided and potential conflicts of interests carefully managed. Managers must review the disclosed interest, discuss it openly and manage it so that volunteers do not become involved in or influence situations where actual conflicts of interest occur.

Disclosure should be made to your manager and the Head of Operations in the first instance and recorded on the Conflicts of Interest register. Volunteers making positive disclosures will be asked on an annual basis to review conflicts of interest.

Most conflicts of interest can be successfully managed if they are known and out in the open. Staff and volunteers interests outside of their role with the charity, providing they are transparent, should not necessarily prevent them from continuing in that role.

If you are in any doubt as to whether a conflict of interest exists discuss the situation with your manager.

Where it is deemed that a volunteer acted in their own interests to the potential detriment of others or the Charity disciplinary action will be taken.

## **6. Scientific Advisory Board.**

5.1 This section of the policy relates to the Scientific Advisory Board (SAB) of Solving Kids' Cancer UK, as well as any other expert panel convened by the SAB for the purposes of reviewing funding applications received by the charity.



The purpose of this document is to minimise the potential for conflicts of interest arising and to protect Solving Kids' Cancer UK, those who work for it, and its Scientific Advisory Board (SAB) from any perception, real or otherwise, that the external interests and affiliations of its Board members might interfere with their impartiality and ability to work towards the furtherance of the charity's objectives.

## **6.1 Declaration of Interests**

Members of the SAB, must declare any disclosable external interest on their appointment to the charity, and annually thereafter. A register of interests will be kept up to date by the charity.

Interests which should be disclosed by such individuals include:

- Major shareholdings in enterprises with involvement in pharmaceuticals, healthcare, biotech or related areas, or in any other enterprise that may have a real or perceived interest in the work of Solving Kids' Cancer UK. Third party investments (e.g. ISAs) should be held exempt from this.
- Consultancies and other external appointments (paid and unpaid), that may have a real or perceived interest in the work of Solving Kids' Cancer UK, and the nature of any financial arrangements i.e. expenses bursary, retainer, remuneration for work undertaken. Where payment is for services rendered, the most recent date of any paid work should be disclosed.

Panel members (including trustees who serve on panels) should also adhere to the spirit of this document and declare any other interests which they feel may be a source of conflict, or which might be perceived to conflict, with the interests of Solving Kids' Cancer UK. This includes interests held by the panel members' spouse or children.

## **6.2 Discussion of Proposals**

- a. Details of applications, meeting papers and related correspondence and the names of external referees are strictly confidential and should not be discussed with persons outside the review process.
- b. Substantive discussions regarding details of proposals between members of the SAB which occur outside a committee meeting should be declared to the Chair of the SAB.
- c. If a SAB member (including serving trustees or an appointed layperson or Officer of the charity) is approached by an applicant for technical advice on an application, he or she may provide advice, but must report this to the SAB Chair and secretariat. If their input is deemed material in developing the proposal they may subsequently be asked by the Chair to absent themselves from a discussion of the application concerned.

### **6.3 Managing conflicts of interest**

- a. Where a SAB member is an applicant or co-applicant on a grant application, he or she must declare an interest and withdraw from any consideration of that application. That member will not receive documents pertaining to the application, learn the identity of its reviewers or receive the scorecards from those reviewers. He or she must retire from the meeting when the application is assessed. Details of discussion of that application will be deleted from any papers the member receives.
- b. Where the Chair of the SAB has a current or previous interest in a grant application, he or she must declare an interest and should not be involved in that round of meetings. The Vice-Chair will chair the meeting to prevent any undue influence.
- c. Where SAB members:
  - could be seen as a direct competitor of the applicant (e.g. they are funded or applying for funding on a similar project to the proposal under discussion);
  - are a co-applicant in any other current) funding applications;
  - work in the same institution as the applicant;a decision will be taken by Solving Kids' Cancer UK in conjunction with the SAB Chair on whether they may be allowed to stay but not vote, or may be permitted to play a full role including voting on the application, or in circumstances where their input could be perceived as not being wholly objective and impartial they may be asked to withdraw from the meeting for that application. Such a decision shall be made in accordance with best-practice guidelines; whilst applying special consideration to any practical implications resulting from the limited size of the neuroblastoma research community, and assessing the precise nature of the conflict.
- d. Members of the SAB are expected to declare any potential conflicts of interest relating to individual funding decisions to the Chair or SAB secretariat before the meeting wherein they will be discussed, or during the meeting as soon as the existence of a conflict becomes apparent.
- e. If a SAB member is concerned about a possible conflict of interest involving another member of the panel, then he or she should raise the matter with the Chair.

### **6.4 Convening non-conflicted expert peer review panels**

- a. Peer review experts will be drawn from the neuroblastoma community where possible, selected by the Chair and/or Vice-Chair of the SAB on the basis that they can provide a non-conflicted review of the application. Where the invited expert knows of, or becomes aware of, the existence of a conflict they must make this known to the Chair and secretariat of the SAB immediately.
- b. Where necessary, and in order to avoid conflicts of interest arising, experts outside of the neuroblastoma community may be invited to review applications providing they are familiar with the technologies and/or therapies described in the application.

## **6.5 Resolution of Conflicts of Interest**

- a. Solving Kids' Cancer UK recognises that the majority of conflicts or potential conflicts will relate to a particular issue and as such will not present any long-term restrictions on an individual's ability to work for the charity or to sit on its SAB.
- b. In a very small number of cases, major conflicts of interest may arise which compromise an individual's ability to continue in their position within the charity. Where such a situation relates to a member of the SAB, the matter will be discussed by the Chair of the SAB together with an Officer of Solving Kids' Cancer UK. In cases where agreement cannot be reached through this means, the case will be referred to the SAB as a whole, whose decision should be taken as final.
- c. Members of the SAB are expected to declare any potential conflicts of interest relating to individual funding decisions to the SAB secretariat before the meeting wherein they will be discussed, or during the meeting as soon as the existence of a conflict becomes apparent.
- d. In cases where an individual is uncertain as to whether a conflict of interest exists or not, they should report this to the SAB secretariat. The secretariat shall discuss the matter with the individual as necessary and with the Chair, who will decide on a course of action.
- e. If an individual is concerned about a possible conflict of interest involving another member of the SAB, then he or she should raise the matter with the Chair of the SAB.
- f. Any steps taken to resolve a conflict of interest, either in advance of or during a meeting of the SAB, will be recorded in the minutes of that meeting.

## **6.6 Updating the SAB section of the Policy**

Solving Kids' Cancer UK will endeavour to review this policy, if necessary, every two years, in consultation with the SAB Chair and with the approval of the Board of Trustees.