

# GambleAware

## Conflict of interest policy

**Last reviewed: June 2019 by Board of trustees**

**Next review: June 2020 by Board of trustees**

This policy addresses the management of potential conflicts of interests arising from all of GambleAware's activities, and applies to all those organisations and individuals (and their immediate family members) involved, including inter alia trustees<sup>1</sup>, senior management<sup>2</sup>, staff members and third parties<sup>3</sup>.

### Why we have a policy

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

The Charity Commission's guidance<sup>4</sup> states that, 'A conflict of interest is any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent the trustee from making a decision only in the best interests of the charity'. Furthermore, 'a conflict of interest exists even where there is the possibility that a trustee's personal or wider interests could influence the trustee's decision making'.

Conflicts may arise where an individual's personal or family interests and/or loyalties conflict with those of GambleAware. Such conflicts may create problems; they can:

- inhibit free discussion
- result in decisions or actions that are not in the interests of GambleAware
- risk the impression that GambleAware has acted improperly.

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

### Declaration of interests

Accordingly, we have asked trustees, senior management and staff members to declare their interests, and any gifts or hospitality offered and received in connection with their role in GambleAware. A Declaration of Interests form provides trustees and staff with the opportunity to declare, and for the charity to identify, any potential conflicts of interest, as clearly and

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<sup>1</sup> GambleAware's trustees are also directors under company law, and they are the sole members of the charity.

<sup>2</sup> Senior management refers to the Chief Executive and Chief-level and Director-level staff

<sup>3</sup> Third parties include consultants, researchers, academics, expert advisers, suppliers of services.

<sup>4</sup> <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29>

transparently as possible. The formal guidance on our Declarations of Interests form states “Declarations may include current or former employment details, directorships, trusteeships of other charities, companies where more than 20% of shares are held, or ownership as a sole trader or in partnership of a business. The interests of immediate family members and significant personal relationships (including those with former work colleagues and people in stakeholder organisations) should also be disclosed.” The table at appendix A describes the types of interest to be declared.

To be effective, the Register of Interest will be updated at least annually, and when any material changes occur. Trustees, senior management and staff members are encouraged to err on the side of caution if unsure what to declare and are able to contact the Chief Executive for confidential guidance.

Interests and gifts will be recorded on the Hospitality Register section of the charity's Register of Interests, which will be maintained by the Company Secretary.

### **Managing a conflict of interest**

If anyone covered by this policy believes they have a perceived or real conflict of interest, they should:

- declare the interest at the earliest opportunity
- withdraw from discussions and decisions relating to the conflict.

The person with responsibility for taking minutes will ensure that minutes or other documents relating to the item presenting a conflict are appropriately redacted for the person facing the conflict. A balance needs to be made to ensure that the person still receives sufficient information about the activities of the charity generally without disclosing such sensitive information that could place the individual in an untenable position.

All decisions in respect of which there is a potential conflict of interest will be reported as such in the minutes of the meeting.

### **Trustees**

As agreed at the September 2015 Board meeting, the trustee Register of Interests will be published on the GambleAware website and will be updated annually or whenever an update is provided by a trustee.

All GambleAware trustees are encouraged to read the Charity Commission's Guidance: <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29> and ensure that all interests - which could be viewed as a potential conflict with the role of trustee - have been declared. Trustees are asked to particularly consider employment and other trusteeships.

There is also a new financial reporting standard (SORP 2015)<sup>5</sup> that requires charities to accurately declare the amount donated by related entities (as an aggregate amount), and this would include

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<sup>5</sup> The Charities SORP 2015 requires the full disclosure of all 'related party' transactions with any third party that may inhibit the charity being able to pursue its separate interests.

donations from entities which employ individual trustees. This disclosure will appear for the first time in our financial statements for the year ending 31st March 2016, and our Register of Interests process supports this statutory obligation.

Where a trustee benefits from a decision made where a conflict of interest exists, this will be reported in the charity's annual report and financial statements in accordance with SORP 2015. Also, all payments or benefits in kind to trustees will be reported in the charity's annual report and financial statements, specifying the amounts for each trustee listed.

## **Senior management**

Senior management are required to complete a Register of Interests form in accordance with the policy for trustees.

At the first opportunity, a senior manager must inform the Chief Executive of any actual or potential conflict of interest, and that senior manager will then be excluded from any activity in relation to the issue until the conflict no longer exists. That includes, but is not limited to:

- ensuring papers and emails relating to the matter are not copied to the conflicted senior manager
- the conflicted senior manager withdrawing physically from any meetings while that matter is under discussion
- meeting papers being divided so that conflicted senior managers are not included in the circulation of anything relevant to the conflict.

If a senior manager has a conflict of interest, they must not be involved in managing or monitoring a contract in which they 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.

## **Staff members**

Staff members are required to inform their line manager of any potential conflict, but because staff below senior manager level do not influence decisions by trustees directly, discretion will be applied to when the precautions in place for senior management are extended to staff members.

## **Third parties**

GambleAware commissions research, prevention and treatment, which is primarily defined by the Advisory Board for Safer Gambling (ABSG) via a National Responsible Gambling Strategy<sup>6</sup>.

A Research Commissioning and Governance Procedure<sup>7</sup> sets out how research priorities are identified, and research projects commissioned, through the tripartite agreement between

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<sup>6</sup> See [http://about.gambleaware.org/media/1230/ragsb\\_strategy\\_2016-2019.pdf](http://about.gambleaware.org/media/1230/ragsb_strategy_2016-2019.pdf)

<sup>7</sup> See <http://about.gambleaware.org/media/1332/research-commissioning-and-governance-procedure-september-2016-final.pdf>

GambleAware, ABSG, and the Gambling Commission. It covers the commissioning and governance of a wide range of research, from individually commissioned research, to that undertaken through longer-term options, such as PhDs.

GambleAware recruits experts to research, prevention and treatment expert steering groups to assist with the commissioning and quality assurance of its programmes.

There is a relatively small number of experts who specialise in the field of gambling studies, or related disciplines. From time to time, members of expert steering groups or ABSG may seek to be commissioned by GambleAware. Experts who serve on steering groups and ABSG members have an influence on the commissioning and conduct of projects and must declare their interests, both to GambleAware and in a wider context. The declaration of interest must be recorded clearly and transparently, and preferably in the minutes of any and all relevant meetings of GambleAware. When a conflict is declared, GambleAware will assess the suitability of the bid having regard to the conflict.

In procuring services, GambleAware shall endeavour to identify potential conflicts and take them into account when awarding grants for contracts and services. Funding decisions will also be guided by the ABSG's Conflict of Interest Policy<sup>8</sup>

#### Appendix A: Types of interests

<b>Type of interest</b>	<b>Description</b>
<b>Financial Interests</b>	<p>This is where an individual may get direct financial benefits from the consequences of a decision. This could, for example, include being:</p> <ul style="list-style-type: none"> <li>• A director, including a non-executive director, or senior employee in a private company or public limited company or other organisation which is doing, or which is likely, or possibly seeking to do, business with GambleAware</li> <li>• A shareholder (or similar ownership interests), a partner or owner of a private or not-for-profit company, business, partnership or consultancy which is doing, or which is likely, or possibly seeking to do, business with GambleAware</li> </ul> <p>This could also include an individual being:</p> <ul style="list-style-type: none"> <li>• In employment outside of GambleAware</li> <li>• In receipt of secondary income</li> <li>• In receipt of any payments (for example honoraria, one-off payments, day allowances or travel or subsistence) from another organisation</li> <li>• In receipt of research funding, including grants that may be received by the individual or any organisation in which they have an interest or role</li> <li>• Having a pension that is funded by a provider (where the value of this might be affected by the success or failure of the provider).</li> </ul>
<b>Non-Financial Professional Interests</b>	<p>This is where an individual may obtain a non-financial professional benefit from the consequences of a decision, such as increasing their professional reputation or status or promoting their professional career. This may, for example, include situations where the individual is:</p> <ul style="list-style-type: none"> <li>• An advocate for a particular group</li> </ul>

<sup>8</sup> <https://www.rgsb.org.uk/About-us/Governance/RGSB-Conflict-of-Interest-Policy-July-2018.pdf>

	<ul style="list-style-type: none"> <li>• An active member of a particular specialist professional body</li> <li>• Engaged in a research role</li> </ul>
<b>Non-Financial Personal Interests</b>	<p>This is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit. This could include, for example, where the individual is:</p> <ul style="list-style-type: none"> <li>• A voluntary sector champion for a grant-recipient</li> <li>• A volunteer for a grant-recipient</li> <li>• A member of a board or has any other position of authority in or connection with an organisation</li> <li>• A member of a lobby or pressure group with an interest in gambling.</li> </ul>
<b>Indirect Interests</b>	<p>This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a decision (as those categories are described above) for example, a:</p> <ul style="list-style-type: none"> <li>• Spouse / partner</li> <li>• Close family member or relative e.g., parent, grandparent, child, grandchild or sibling</li> <li>• Close friend or associate</li> <li>• Business partner.</li> </ul>

