



## **DECLARATION OF INTERESTS POLICY AND PROCEDURES**

For use in:	All Society functions
For use by	All staff, Members undertaking activities on behalf of the Society, non-members participating in formal Society activities
Owner	Director of Membership Support & Services
Date of Approval by Board of Trustees	21 January 2011
Launch Date	30 March 2011
Contact – Comments	Director of Membership Support & Services
Review Date	Review 2013 then every three years. (2013/2016)

## 1. Introduction

- 1.1 The Bribery Act 2010, which repeals existing legislation, has introduced the offences of offering and or receiving a bribe. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place. Under the Act, Bribery is defined as *“Inducement for an action which is illegal unethical or a breach of trust. Inducements can take the form of gifts loans, fees rewards or other privileges.”* Corruption is broadly defined as the offering of the acceptance of inducements, gifts or favours, payments or benefit in kind which may influence the improper action of any person; corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.
- 1.2 The Society is committed to protecting staff and its Members by ensuring that policies and procedures are applied to enable conflicts of interest to be recorded and dealt with appropriately.
- 1.3 To demonstrate that the organisation has in place sufficient and adequate procedures and to demonstrate openness and transparency, all staff and members are required to comply with the Declarations of Interests – policy and procedures. For a more detailed explanation, please see the Anti-Bribery Policy. Failure to declare an interest may, under law, be deemed an act of fraud.
- 1.4 Should members of staff or Members wish to report any concerns or allegations they should contact the Chief Executive or most appropriate person identified within the Whistleblowers’ Policy.
- 1.5 This policy should be read in conjunction with the other relevant policies outlined in 5.5. This Policy and Procedure is designed to ensure that the Society maintains a record of any declarations of interest and can demonstrate an open and transparent governance process.

## 2. Aims

The aims of the Declaration of Interests Policy and Procedures are:

- 2.1 To enable those covered under the scope of the policy (see 3) to understand the policy and procedures, their responsibilities under the policy and the consequences of non-compliance.
- 2.2 To ensure that, as far as possible, the Declaration of Interest procedures are administered effectively.

- 2.3 To ensure that the Society complies with the relevant legislation (see 5.5).
- 2.4 To ensure an open and transparent decision-making process.

### **3. Scope**

- 3.1 The Declaration of Interests Policy and Procedure applies to all staff, board members, committee members, sub-committee members, working party members (herein referred to as members) and representatives of the Society

### **4. Principles**

- 4.1 The Society will operate a Declaration of Interests Policy and Procedure consistently, in line with the prevailing legal requirements.
- 4.2 The Society will immediately address any allegations that a conflict of interest has been demonstrated through application of its procedure for allegations of a conflict of interest.
- 4.3. The Board of Trustees are responsible for setting and reviewing this policy and for ensuring that any changes to this policy are effectively communicated to all of those covered within the scope of this policy.
- 4.4 The Society will support those covered within the scope of this policy through guidance and further information as required. Staff and members are encouraged to contact the policy contact if they have any queries regarding the Declaration of Interest policy and procedure.

### **5. Policy and procedure**

#### **5.1 Policy**

- 5.1.1 All Staff Members must complete and keep up to date a Declaration of Interests form which will be retained in Personnel.
- 5.1.2 All Members undertaking activities on behalf of the Society (including membership of Boards, committees, sub-committees and working parties or acting as representatives of the Society must complete and sign a Declaration of Interests form for each separate activity that they undertake. Where a conflict of interest has been identified, the Member must declare it and withdraw from consideration of any related matters.
- 5.1.3 All non-members invited to participate in one or more Society activity must do the same.

## **5.2 Procedure**

5.2.1 A register of declared interests will be maintained by the Society and kept confidentially. However, the register will be available for committee inspection to assist in demonstrating accountability and transparency. It is the responsibility of each committee to ensure that it maintains a register of declared interests which is regularly reviewed and updated at each meeting. All staff, members and representatives need to notify any changes to their declaration of interest as soon as they occur. Failure to complete or update a declaration of interest may result in either disciplinary or Member Conduct sanctions being applied.

5.2.2 In addition, declarations of interest should be made at the start of any meetings.

## **5.3 Conduct of Members and representatives**

5.3.1 All Members and representatives discharging a committee's official duties on behalf of the Society, and the staff members present to support them should:

- At all times act in the professional interest of the Society
- Resolve any conflicts that arise with their personal interests
- Prior to any meeting, examine the agenda items to identify any issue or members in which they have a declared interest, other than those which have been previously declared and are present on the register.
- Abstain from discussion if the member or representative has a personal interest on the matter.

5.3.2 If a matter in which an individual has an interest does not appear on the agenda but nevertheless arises during the course of substantive discussion, the individual must immediately draw attention to their interest and appropriate action should be taken.

5.3.3 If there is substantial overlap between the business of a committee or other Society activity and the interests of an individual involved in it such that the individual's enactment of their Society role would be substantially constrained by the need to withdraw from discussions and/or decision-making, then it may not be appropriate for them to stand for or continue the role.

5.3.4 If the circumstances outlined in 5.3.3 occur, in the first instance the Chair of the relevant Board or Committee should discuss the matter with the individual concerned with a view to achieving a resolution. If such a resolution is not achieved, then the Board of Trustees will consider the matter and their decision will be final.

## 5.4 Guidance on declaring an interest

### 5.4.1 When considering what to declare, the golden rule is:

If members of the public, knowing the facts of the situation, would reasonably conclude that the interests involved might influence the approach taken to the application or contract, then you should declare. (Nolan, The Committee on Standards in Public Life, 1994)

5.4.2 The above does not imply that individuals should not engage at all in subjects in which they have an interest – that would disable a committee's effectiveness. However, where an individual may gain a personal benefit or advantage from the outcome of a specific matter or where they are associated with a person or body who could, they would be deemed to have an interest in the matter. The convention usually adopted is to declare that interest and abstain from discussion.

5.4.3 Furthermore, failure to declare an interest may also, under law, be deemed an act of fraud. For this reason, you are advised to declare all of your interests so that the committee can determine whether any conflicts arise, or could be perceived as arising. The committee considering such matters should also refer to the golden rule.

#### ***What is an 'interest'?***

5.4.4 This is a key question. The criterion is not whether the individual thinks they have an interest to declare but whether another Member or a member of the public would think they have an interest to declare.

5.4.5 An example of a declarable interest would be one which was financial or otherwise and which went beyond a purely professional or academic interest as a result of common membership of the Society. It will also be knowledge of, or an interest in, another person.

#### ***Do all interests have to be declared?***

5.4.6 No. Only if they are significant or substantial. However, it is suggested that members declare all interests to provide transparency and to enable the relevant committee to determine whether it is appropriate to apply the convention.

5.4.7 Furthermore, any Member who has been the subject of a complaint to the HPC or another similar body, needs to notify the chair of each committee they belong to, so that a decision can be taken about whether the individual can proceed with the work of the group.

#### ***Define significant or substantial?***

5.4.8 Ask yourself these questions:

- If it is financial, will it affect me in any way? If so (through a business effect on a company you work for) it is likely to be significant or substantial.

- Does it affect my employer or my employment (through the accreditation of a programme of study I teach on for example)? If so it will be significant or substantial.
- Does it affect a close colleague, friend or relative? If the decision will be significant to them, it is likely to be significant to you.

***What do I do?***

5.4.9 If you are unsure, raise it with your committee or colleagues. Seek advice and test the views of others, especially the Chair of the committee. If they see it as being insignificant, it is likely to be insignificant. If they advise you to withdraw from the decision making process, you should take that advice.

***How does this affect me?***

5.4.10 You should declare, as a matter of record: the name of your employer; your directorships or ownership of any companies; any memberships of other professional bodies; any gifts, benefits or hospitality received as part of your work for the Society; and, any other interests that might be considered to influence your actions on behalf of the Society.

***What happens to that information?***

5.4.11 It will be kept confidentially at the Society's offices and will only be available for committee meetings to ensure that the committee register of declarations is updated and maintained.

***How do I record this information?***

5.4.12 Upon election to a board, committee, sub-committee, working party or representative position you will be sent a declaration form (see 5.6) to complete. It should be returned to the relevant secretariat at the Leicester Office where it will be stored securely. If any information needs updating you should inform the committee secretariat and Chair within 4 weeks of you being aware that the old information is out of date. If you need a copy of the information stored, it will be provided within 5 working days of a request. You will not need to complete this form every year but it will be updated regularly at committee meetings and you are responsible for notifying the office of any change immediately.

If you require further advice or clarification, please get in touch with the designated contact for this policy.

## **5.5 Other relevant policies**

5.5.1 This policy ensures compliance with the following regulations and should be read in conjunction with:

- Money Laundering Regulations 2003
- Proceeds of Crime Act 2002
- Anti-Fraud Policy & Procedure
- Anti-Bribery Policy
- Financial Procedures and Internal Control Manual \*

- Gifts and Hospitality Policy
- Whistleblowers' Policy
- Disciplinary Rule and Procedures \*
- Purchasing Policy
- Anti-Money Laundering Policy
- Charities Commission guidance and good practice

***\* update/approval ongoing***

## 5.6 Form



**The British  
Psychological Society**  
Promoting excellence in psychology

### **Declaration of interests**

(please make sure you have read the policy, procedure and guidance before completing this form)

**Name:**

**Board, committee, sub-committee or working group:**

**Membership of Society Boards, committees, sub-committees and working groups, including those of Member Networks:**

**Acting as a Society representative on an external body:**

**Membership of other organisations:**

Are you a member of any other organisations (e.g. trustee of another charity, Freemason, business networks or working for another 'psychology' related organisation or professional association). If yes, please provide details below:

**Relevant companies:**

Do you own, or are you a director of, any other relevant companies. If yes, please provide details below:



**Registration of interests:**

Please provide details of all interests that you have which may conflict with your role. This will include whether you or your employer have, or may in the future, receive any financial payment or other benefit from the areas covered in the activities above. In addition, you should also indicate whether any spouse, partner, colleague or family member may benefit from your involvement.

Please note that if you receive any payment or benefit that relates specifically to a topic under consideration, you must declare your interest immediately and absent yourself from the discussion.

**Signature:****Date:**