



MARCHES COUNSELLING SERVICE:

Conflict of Interest

Includes guidance on:

- What constitutes a conflict of interest
- Who might be affected
- How to declare a conflict of interest
- How conflicts of interest will be resolved

Document Type: Staff policy

Reference: S - 001

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Document Purpose: This policy outlines considerations to be made regarding conflicts of interest between members of MCS, members and the organisation, and two organisations, both of which are attended by an individual member of MCS

Responsible Group: Board of Trustees. Please refer to Appendix ‘Staff responsibilities and duties (P-015)’ (Appendix i)

Date Ratified:

Where this is to be held: In the main MCS office, digitally

Information from/sourced/referenced:

https://knowhownonprofit.org/organisation/operations/legal/copy_of_policies

‘The Good Trustee Guide’, and discussion with policies working group.

The validity of this document is only assured when viewed via the office copy. If this document is printed into hard copy or saved to another location its validity must be checked against the reference number on the office version. The office version is the definitive version.

If you would like this document in other languages or formats (i.e. large print) please contact our office.

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1. Introduction

- 1.1 Marches Counselling Service (MCS) prides itself on having strong, clear policies that define, regulate and inform how MCS operates.
- 1.2 Policies guide the organisation based upon its strategy and ethos. They help set the culture of the organisation, encouraging each member to work with conscience and integrity to develop MCS as a service that provides high quality and affordable therapy and training services.
- 1.3 MCS policies are developed with the involvement of members at all levels of the organisation. All policies shall be subject to review, and no policy shall be held to be absolute, but should be flexible and adaptable to meet the changing needs of the service and the community of Herefordshire.
- 1.4 The purposes of this policy is to protect the integrity of MCS, to facilitate confidence in its integrity, and to protect the integrity and reputation of volunteers, staff and trustees.
- 1.5 This policy is meant to supplement good judgment, and staff, volunteers and trustees should respect its spirit as well as its wording.
- 1.6 It is expected that any conflict of interest will be declared as soon as those involved become aware of its existence

2. What constitutes a conflict of interest

- 2.1 Examples of conflicts of interest include:

- 2.1.1 A member of the organisation being influential in decision making from which they will benefit themselves. There may be situations where a member can participate in discussions from which they may indirectly benefit, but declare a conflict of interest which will exclude them from the final vote. The conflict of interest should be declared at the start of the discussion so that the chair (or vice chair) can indicate the appropriate procedure.
- 2.1.2 A member of the organisation being involved in the MCS recruitment process for people with whom they are connected in other spheres, in particular family members.
- 2.1.3 A member of the organisation influential in MCS funding decisions, being involved with another organisation that is competing for the same funding.
- 2.1.4 A member of the organisation allowing commitments elsewhere to impact upon their work for MCS to its detriment and the detriment of the organisation.
- 2.1.5 A member of the clinical team becomes aware that they know and are known to a client accessing counselling and where that relationship would conflict with the requirements of confidentiality and standards of good practice governing the therapeutic work. [See also Professional Conduct Policy (S-006)]

3. Who might be affected

- 3.1 All staff, volunteers, and trustees of Marches Counselling Service (MCS) will strive to avoid any conflict of interest between the interests of MCS on the one hand, and their own personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.

Data protection

Any information provided in relation to a conflict of interest will be processed in accordance with data protection principles as set out in the GDPR Act 2018. Data will be processed only to ensure that trustees and all staff act in the best interests of MCS. The information provided will not be used for any other purpose.

4. How to declare a conflict of interest

- 4.1 Upon appointment each member should make a written disclosure of any interests, such as relationships, and posts held, that could potentially result in a conflict of interest. A standard form is available for this purpose, or to record that none have been declared (see appendix ii). This written disclosure will be kept on file and should be updated as appropriate.
- 4.2 In the course of meetings or activities, members should make clear any interests in a transaction or decision where there may be a conflict between the organisation's best interests and the member's best interests or a conflict between the best interests of two organisations that the member is involved with.

5. How conflicts of interest will be resolved

- 5.1 In the context of conflicts emerging at appointment: after disclosure those involved in the interview and appointment of the member shall consider whether the conflict of interest is of a nature to prevent the person concerned taking up the appointment being offered. Appointments should always be offered subject to the absence of conflicts of interest which could impact upon the successful operation of the organisation.
- 5.2 In the context of conflicts arising during an individual's membership of the organisation, for example being declared in the context of a specific meeting: after disclosure, the member may be asked to leave the room for relevant discussions and may not be able to take part in any decision making. Whether this is deemed necessary will depend upon the judgement of the other members involved and present at the time.
- 5.3 Where a member of the staff team becomes aware that there would be a conflict of interest due to the pre-existing relationship they have with a person who is accessing counselling, and if not resolvable in the above manner (5.2), this should be raised with the Clinical Director and, where appropriate, discussed within the clinical management team. For more guidance on the management of conflicts of interest in the clinical context please refer to the Professional Conduct Policy (S-006)
- 5.4 In the context of conflicts arising between the interests of different organisations with which a member is involved: the best interests of MCS must always be primary. If the member concerned is unable to accept a decision of the board as to an appropriate action, then the member may need to reconsider their position in one or both of the organisations.
- 5.5 Any such disclosure and the subsequent actions should be noted in minutes, and/or separately in staff files where this does not take place in the context of a minuted meeting. The minutes should take special care to ensure that any 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 receives sufficient information about the activities of the charity generally without disclosing such sensitive information that could place the individual in an untenable position.
- 5.5 Where a member becomes aware of a conflict of interest which has not been declared, or is not seen by those involved to be an issue, they should approach a board member with their concerns. A board meeting may be called to discuss the concerns and those involved be invited to clarify their situation.

6. Monitoring

- 6.1 This policy is subject to annual review and joint review by the Clinical Director and the Board of Trustees upon request

Clinical management - staff responsibilities & duties (P-015)

The **Board of Trustees** has overall responsibility for ensuring compliance with all legal, statutory, best practice and quality requirements. They have a responsibility in ensuring MCS stays true to its mandate, and to ensure the continued development of best practice within the service.

Clinical Director is responsible for creating a working environment that ensures staff and volunteers are treated with dignity and respect, and has ultimate responsibility for ensuring that the MCS has robust policies and procedures in place in order for MCS to work to its mandate.

Clinical Co-ordinator is responsible for the day-to-day monitoring of the clinical service, ensuring that assessment, allocation and treatment take place within the timeframes expected. The success and efficiency of the service with regard to statistical outcomes is important, both for liaising with funders and service reputation. The co-ordinator assists the clinical director in the preparation of appropriate reports as well as considering issues of service development. They will actively liaise with outside agencies as well as internal staff, to provide as seamless and responsive a service as possible for the clients who pass through.

Supervisors are responsible for good, regular provision of supervision to the standard of the clinicians' professional and accrediting bodies. They have a role in ensuring best practice by working collaboratively with the clinician and facilitating professional development. They have a responsibility for issues of safeguarding, risk, and appropriate behaviour. They may escalate any serious incident or breach of professional standards, or matters that have not been able to be addressed directly with the clinician to the director, or to the board of trustees. Supervisors are also directly involved in the recruitment of new clinical staff.

Administration will be responsible for ensuring policies are held in an accessible location for staff and volunteers and advise the Board of Trustees and Clinical Director when the policies are due for review.

Professional Bodies provide professional codes of ethics and professional practice and provide guidance to best practice. They have a role in regulating the profession, and if the complaints process of MCS has not adequately upheld a complaint the professional bodies offer a separate means to pursue issues of inappropriate behaviour. **Clinicians** whether sessional or voluntary are expected to be aware of the policies and processes of MCS, where policies are kept, and to keep up-to-date with any policy changes. They are required to work according to the policies of MCS and are expected to contribute to the business meetings.

Staff including volunteers are required to work to the policies and ethos of MCS, and report any incidents of unacceptable behaviour to their supervisor or to the Clinical Director.

MCS Declaration of Interests Form

I, *(name)*

as staff/ volunteer/trustee* [*delete as appropriate] of Marches Counselling Service (MCS) have set out below my interests which could provide a potential conflict with those of MCS, in accordance with the MCS's conflicts of interest policy.

Category	Please give details of the interest and your personal connection if not your own
Current employment outside of MCS or previous employment in which you continue to have an interest.	
Appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals etc.	
Membership of any professional bodies, special interest groups or mutual support organisations.	
Separate roles within the organisation which may produce conflict	
Services of MCS accessed in the past	
Ongoing use of MCS services	
Any other conflicts that are not covered by the above.	

To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.

Signed:

Position:

Date: