



Basketball Wales

Conflict of Interest Policy

**Board Review & adoption March 2017
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Introduction

The Company Pelfasged Cyf (Number **08273793**) is more regularly known as Basketball Wales, reference to Basketball Wales throughout this document refers to the Company.

It is recognised and accepted that occasionally potential conflicts may arise. There is no definitive right or wrong approach to handling potential conflicts of interest. Ultimately, in most cases, the issue is about the application of common sense.

Policy Statement:

Members of Basketball Wales Board and other officials have an obligation to act in the best interests of Basketball Wales and in accordance with the Basketball Wales's aims and objectives. Accordingly, directors, committee members, employees and others acting on behalf of Basketball Wales must be free from conflicts of interest that could adversely influence their judgment, objectivity or loyalty to the company in conducting Basketball Wales business.

2.1 Why have such a policy?

Basketball Wales is committed to maintaining the highest standards of governance and conducts its business in an open and transparent manner. The aim of this policy and process is to protect both Basketball Wales and the individuals concerned from any appearance of improper behaviour. Conflicts of interests may arise where an individual's personal, family or business interests and/or loyalties conflict with the objectives of Basketball Wales.

Such conflicts may create problems and can:

- Inhibit free discussion;
- Result in decisions or actions that are not in the interests of Basketball Wales; and
- Risk the impression that Basketball Wales has acted improperly.

The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety. Even the appearance of a conflict of interest can damage the reputation of Basketball Wales.

Individuals should conduct themselves with integrity, impartiality and honesty always and should maintain high standards of propriety and professionalism. They should avoid situations where they, or Basketball Wales, could be open to suspicion of wrong doing and not put themselves in a position of conflict between their official Basketball Wales duty and private interest.

Basketball Wales accepts that people may take part in legitimate financial, business, charitable and other activities outside their Basketball Wales roles, but any potential conflict of interest raised by those activities must be disclosed promptly following the guidelines provided on the declaration of interest form.

This policy explains what is viewed by Basketball Wales as a conflict of interest and the procedure to follow where a conflict of interest arises. Other policies may impact on this policy area and may need to be consulted when determining conflict, particularly the **Hospitality and Gifts Policy*** and codes of conduct. Implementation of this policy and procedure must be clear and transparent and not subject to any unfair discriminatory practices.

This Policy applies whenever a member of Basketball Wales Board, an employee or other official recognises, or should reasonably recognise, that he/she has a Conflict of Interest.

A **Conflict of Interest** is a situation in which a person has an Interest (defined below) which may compromise that person's obligations to Basketball Wales or to any other person or body with which Basketball Wales has a relationship (e.g. Sport Wales). A Conflict of Interest includes perceived and potential conflicts as well as actual conflicts of interest. A *perceived* conflict of interest is one which a reasonable person would consider likely to compromise objectivity. A *potential* conflict of interest is a situation which could develop into an actual or perceived conflict of interest.

An **Interest** is a financial or non-financial interest involving the person, or a Connected Person (defined below). A *financial interest* refers to anything of non-trivial monetary value including but not limited to salary, commission, consultancy fees, contractual interest, discounts, property and royalties. A *non-financial interest* refers to any non-financial benefit or advantage including but not limited to access to privileged information or services, property or intellectual property rights and enhancement of a career, education or professional reputation.

A **Connected Person** is anyone with whom the individual in question has a relationship which is likely to appear to a reasonable person to influence the individual's objectivity including but not limited to close family, their partner and close personal friends.

If an individual has a Conflict of Interest, they have a duty to disclose it under the procedure set out below. In the case of a director disclosure is a requirement under Company Law and is clearly identified within the Company Articles of Association which take precedence over this policy.

2.2 The declaration of interests

Accordingly, all Directors, Board Members, key staff members and key volunteers must declare their interests, and any gifts or hospitality received in connection with their role in Basketball Wales. This declaration also covers any transactions that they receive in connection with their role with Basketball Wales (for example a sponsorship arrangement).

A declaration of interest's form is provided by Basketball Wales for this purpose.

It is the responsibility of the nominated Officer to ensure that individuals are provided with a declaration of interests form and that the completed form is received, reviewed and retained by Basketball Wales. The declaration of interest's form needs to be revised or updated at least annually and immediately any changes occur.

If anyone is not sure what to declare, or whether/when their declaration needs to be updated, please err on the side of caution. If anyone would like to discuss their concerns, please contact the Basketball Wales Chair for confidential guidance.

Interests will be recorded on Basketball Wales's register of interests, which will be maintained by the nominated Director in charge of declaration of interests. The register will usually be accessible by Directors and authorised employees only.

Where it is subsequently discovered that one or more persons involved in a decision had not declared their conflict of interest to the meeting, the Board will decide whether the matter needs to be reconsidered. In addition, the Chair may decide that the person or person involved may have breached the Board code of conduct and further action may be necessary.

On receipt of the completed forms the nominated Director in charge of declaration of interests will update the register with the information declared by everyone using the categories of: -

Interest:	Financial	Non-Financial	Actual	Perceived	Potential	Date Listed
Self: (Name)						
Connected Person:						

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 the Board Member, employees and officials will act in the best interests of the Basketball Wales. The information provided will not be used for any other purpose. Processing of this data shall be undertaken in line with Basketball Wales data control processes, with declarations made by directors being retained for at least 10 years and other individuals for at least 7 years.

Managing Conflict

The nominated Director in charge of declaration of interests and the Chair shall be responsible for reviewing the declaration of interest forms and register and advising on any action required in addition to the standard management process for any conflict. If a conflict can be managed the management process must be clear and reported in the register.

Conflict of Interest can arise in various scenarios; the most likely is in a meeting situation, therefore Basketball Wales has set up the following process to be followed at every meeting: -

The Chair of the meeting is required to ask those attending, (including non-committee member invited attendees) to declare any interest(s) linked to any item on the agenda. All notifications must be reported in the minutes of the meeting along with the actions taken by the Chair to manage the conflict.

If a conflict decision is challenged after the meeting all information must be referred to the nominated Director in charge of declaration of interests who will be responsible for reviewing the decision made with the Chair and providing written recommendations for any action.

What to do if you face a conflict of interest?

You should declare your interest at the earliest opportunity.

Below are examples of how an individual may manage conflict themselves or how a Chair might manage a meeting situation: -

- not taking part in discussions of certain matters
 - either staying in the room or
 - vacating the room until the item is finished;
- not taking part in decisions relating to certain matters
 - either staying in the room when the decision is made or
 - vacating the room until the decision is made having stayed for the discussion;
- if the conflict relates to the Chair of the meeting, he/she must vacate the chair and the room until the item is finished;
- stepping aside from any involvement in a task;
- declaring an interest to a sponsor or third party (this may be following discussion with, or recommendation of, the Chair)

If you fail to declare an interest that is known to the Basketball Wales Chair or other Board member he/she will declare that interest for you.

Conflicts That Cannot Be Managed

Situations may arise where the Chair decides it is not possible to manage the conflict, in these circumstances the Chair will request a meeting with the individual concerned to discuss and agree the way forward. The register should be noted accordingly with the date of the agreement; the full details may or may not be included as determined by the agreement and level of confidentiality.

If an employee's conflict is deemed non-manageable a copy in writing of the conflict, decision and signed agreement must be placed on the employee's Human Resources file. Such information shall be protected in accordance with the Data Protection Act and restricted to those who require it to fulfil their Basketball Wales responsibilities. The register should be noted accordingly with the date of the agreement; the full details may or may not be included as determined by the agreement and level of confidentiality.

Managing contracts

If there is a conflict of interest, (actual, perceived or potential) the interested party must not be involved in managing or monitoring a contract in which they have an interest.