



BAPEN Conflict of Interest Policy

1. Introduction

This policy applies to Trustees, BAPEN Executive and Council Members.

Trustees have a legal obligation to act in the best interests of BAPEN and in accordance with the Association's constitution, and to avoid situations where there may be a potential conflict of interest.

2. Purpose of the Policy

Conflicts of interest may arise where an individual's personal or family interests and/or loyalties conflict with those of BAPEN. Such conflicts may create problems such as:

- Inhibiting free discussions
- Resulting in decisions or actions that are not in the best interests of the Association
- Risk the impression that the Association has acted improperly

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

3. The Policy

3.1. Declaration of Interests

All Trustees and members of the BAPEN Executive and Council should declare their interests and any gifts or hospitality received in connection with their role within the Association. A declaration of Interests form is provided for this purpose (appendix 1) which lists the types of interest you should declare and how to make the declaration.

The declaration of interest should be updated:

- Annually
- Whenever any changes occur

The register of interests will be kept by the BAPEN Secretary and will be used to record all declarations of interest received. The register will be accessible by all BAPEN Trustees and BAPEN Office and the information kept in accordance with the principles of the Data Protection Act (1998).

3.2. What to do if you face a Conflict of Interest

- If you have a direct Conflict of Interest you should declare this at the earliest opportunity and withdraw from any subsequent discussion.
- If there is only indirect benefit, or the possible benefit is minimal, you may continue to participate in the discussions.

3.3. Decisions taken where a member of the Executive or Council has a Direct Interest

- The member should not take part in any vote on this issue

- A quorum of other members must be present for the discussion and decision
- The decision should be made by simple majority voting
- Any decision made under these circumstances will be reported as such in the minutes of the meeting
- Trustees can only benefit from the charity if there is explicit authority to allow this that has been obtained in advance. Trustee benefits include any payments or benefits to trustees or a connected person, apart from their reasonable out of pocket expenses. The term also covers situations where a trustee could receive property, loans, goods or services from the charity. Authority to allow Trustee benefits may come from:
 - a clause in the charity's governing document
 - a statutory provision such as the power in the Charities Act which allows charities, in some circumstances, to pay trustees for additional services they provide to the charity over and above normal trustee duties
 - the Charity Commission
 - the Court
- Where a Trustee benefits from such a decision this will be reported in the annual report in accordance with the Charities SORP.

3.4. Managing Contracts

- If you have a conflict of interest, you should not be involved in managing or monitoring a contract in which you have an interest.

3.5. Communicating this policy within BAPEN

- This policy will be included in the Trustee Induction pack
- All Executive and Council meetings will start by asking attendees to declare any conflicts of interest

Date of Policy: February 2015

Last Reviewed: October 2024

Date of Next Review: October 2027

Appendix 1

BAPEN Declaration of Interests form for all Trustees, Executive and Council Members

The following interests / gifts should be declared:

- Remunerated employment, professions, directorships and offices with relevance to nutritional care
- Unremunerated employment, professions, directorships and offices with relevance to nutritional care
- Significant shareholding / partnership in companies involved in the provision of nutritional care (where your interest exceeds 5% of capital or where income derived exceeds 2.5% of your income)
- Relevant grants received in relation to research into or provision of nutritional care
- Any expenses / gifts valued at over £100 received from 3rd parties with an interest in the provision of nutritional care

The Register of Interests will be maintained by the BAPEN secretary who should be notified by e-mail at the time of election or when circumstances change.

The following information is required:

Name

Date of declaration

Interest to be declared (brief description)