



PACTO

Pembrokeshire Association of Community Transport Organisations
Cymdeithas Mudiadau Cludiant Cymunedol Sir Benfro

Conflict of Interest policy

1. Scope

This policy applies to staff, volunteers, services and service users of services provided *directly* by the charity known as Pembrokeshire Association of Community Transport Organisations. Other community transport services and schemes which operate within Pembrokeshire are governed by their own policies and procedures.

2. Introduction

- 2.1 PACTO is a membership organisation which provides support and representation to its members, which are themselves local community transport operators. The majority of Trustees are nominated by and elected from PACTO's member groups and will therefore bring to PACTO the particular interests and needs of their group. Member groups will individually and collectively benefit from PACTO support and activity.
- 2.2 When acting as a Trustee of PACTO, Trustees are expected to act in the collective interests of PACTO and the community transport sector in Pembrokeshire as a whole. Where this creates a conflict with the particular interests of any other organisation with which a particular Trustee is involved (including the Member Group which nominated them to PACTO's Board), the procedures outlined in this policy must be followed.
- 2.3 Trustees and staff members may have other external interests which may affect or be affected by PACTO's work.
- 2.4 In order to minimise the chance of PACTO's members, stakeholders or the public at large perceiving that funding or operational decisions have been influenced by the personal interest of, or by the specific information available to, any Trustee or Staff Member, a number of rules and procedures have been adopted which are described below.

3. Registration of Interests

- 3.1 All Trustees and Staff Members must declare any personal or business interests or involvement with private sector, public sector and voluntary, community or charitable organisations.
- 3.2 The Manager is required to maintain a Register of Interests. The Register of Interests lists direct or indirect pecuniary or non-pecuniary interests which members of the public might reasonably think could influence Trustee or Staff Members' judgement. This includes links through close family

members (such as partners, parents, children, brothers, sisters and the partners of any of these) and persons living in the same household.

3.3 When a Trustee or Staff Member is appointed, they will be required to complete a Declaration of Interest Form (and to review it at least annually thereafter). Interests spanning the past three years must be declared. When declaring an interest, the rule of thumb is that if members of the public, knowing the facts of the situation, would reasonably conclude that the interest involved might influence the decision taken, then it should be declared. Members should consult the Chair and the Manager if there is any doubt as to the strength of the link requiring declaration. The information supplied on this form is used by the Manager to make the relevant entries in the Register of Interests.

3.4 The Register of Interests is open to public inspection.

4. Identifying and dealing with conflicts of interest

4.1 Staff and Trustees must scrupulously avoid any danger of actual or apparent conflict of interest between their position in PACTO and their private financial interests. Such a conflict could arise:

- i) from the exercise of powers or other influence in a way that does or could be considered to affect the value of the interests held; or
- ii) from using special knowledge acquired in the course of their activities at PACTO in ways which could bring benefit or avoid loss (or could arouse reasonable suspicion of this) in relation to their private financial interests.

4.2 This is not intended to inhibit Trustees with wide experience of industry, a profession or some other walk of life from carrying out their role. In order to avoid the danger of an actual or perceived conflict of interest, Trustees should be guided in relation to their financial interests by the general principle that they should either consider disposal of any financial interest giving rise to the actual or perceived conflict, or take alternative steps to negate the conflict.

4.3 Trustees and Staff Members should adhere to the following principles:

- I. Members should not use information gained in the course of public service for personal gain, or seek to use the opportunity of public service to pursue their private interests.
- II. Members who misuse information gained by virtue of their position may be liable for breach of confidence under common law.
- III. When considering applications for funding or support from PACTO, Members must consider every application on its merits and never be influenced by personal interests.
- IV. Members who are in any way connected with an application for funding or support personally or through a close family member should consider whether a member of the public or press, knowing of the situation, could reasonably conclude that their involvement or interest in an application might have influenced its chances of being

funded or not being funded. If a Member in this position believes that such a conclusion could be reached they should declare their interest. This includes, but is not limited to:

- a. Members of the Board of trustees, council, management committee, or other governing body of an organisation applying for or receiving financial assistance from PACTO.
- b. A financial stake such as ownership of the land or property, shareholding in, or employment in, such an organisation.
- c. A financial interest in a company / business with which PACTO has, or is proposing to have, any contractual relationship.

4.4 Where a Trustee or Staff member has a financial interest in one of PACTO's potential or current suppliers or service providers, they must be careful to distance themselves from all decisions relating the award and management or the contract. The usual procurement procedures must be followed to demonstrate transparency and value for money in all of PACTO's transactions.

5. Declaring an interest at Board and Committee meetings

5.1 Trustees and Staff Members should consider any agenda items which could present a potential conflict of interest, or be perceived as such.

5.2 The agenda for each meeting will include an item early in the meeting to enable interests to be declared. Where possible, Trustees should discuss any potential conflict of interest with the Chair and PACTO Manager in advance of the meeting and seek advice about how this should be handled. In the event of a dispute the Chair's decision will be final. In the event of the Chair identifying a personal conflict of interest, this should be discussed with the Manager, who will advise the Chair on how the matter should be handled.

5.3 Trustees and Staff Members should declare at the start of the meeting any interest, pecuniary or other, in any matter being considered. If in doubt, they should declare the interest. All declared interests will be recorded in the minutes.

5.4 Interests will be categorised at two levels:

i. **Declarable and disqualifying:** where conflict of interest is so significant that the Member must not take any part in discussions or decisions, and may even be asked to leave the room during discussions. Where the Member is asked to leave the room their departure (and return) should be recorded in the minutes. The test should be whether a member of the public, knowing the facts of the situation, might reasonably think that a particular interest could influence the judgement of other Members present. . Any involvement on the Board or Committee, or as a Member of Staff, of an organisation applying or likely to apply for funds would be a declarable and disqualifying interest. Where there is uncertainty about whether a Member should leave the room, the Chair's decision will be final.

ii. Declarable but not disqualifying: Where the interest is less substantial, the Member can remain in the room and participate in the discussion and provide relevant information. Where appropriate the Member can still participate in decision making.

- 5.5 Where their interest relates to one of PACTO's member organisations, the test is whether that organisation will disproportionately benefit from a decision, over and above other PACTO members.

6. Links with External Contractors

- 6.1 Procurement and contracts must be awarded on merit, by fair competition against other tenders as applicable, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

7. Employment Matters

- 7.1 All employment matters, including appointments are made on the basis of merit. Staff and Trustees should not be involved in decisions relating to employment matters such as appointments, discipline, promotion, pay adjustments, etc where they are related, or have a close personal relationship inside or outside work.
- 7.2 Additionally, wherever possible, staff and Trustees should not be given direct management responsibility for their immediate family, i.e. parents, children, brother/sister, spouse/partner, or the parents of their spouse/partner. Where this is unavoidable, the situation should be discussed with PACTO's Manager and the Chair of Trustees and appropriate safeguards and protocols should be put in place.

8. Private Work

- 8.1 All employees should be clear about their contractual obligations and should not take outside employment, including "self-employed" type activity, which conflicts with PACTO's interests or could weaken public confidence in the conduct of PACTO's business.
- 8.2 All employees must give prior notification in relation to any outside work, so that a view can be taken as to whether any conflict exists. (See attached)

9. Failure to Comply with the Policy

- 9.1 If a Trustee is found to have failed to follow the guidelines set out in this policy, they may be asked to resign.
- 9.2 If a Staff Member is found to have failed to follow the guidelines set out in this policy, PACTO may consider following the Disciplinary Policy.

10. Monitoring

To ensure that this policy is adhered to as fully as possible, PACTO will:

- Monitor the compliance with this policy and rectify any breaches.
- Review the policy periodically to take into account changes in legislation or in PACTO's activities. The policy will be reviewed as a matter of course every two years.

Signed: _____



Signed: _____



Date: 10/2/23

