

Managing Interests Policy

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1. This policy sets out how the Association for Nutrition identifies and manages conflicts of interest.
2. The policy applies to
 - Trustees
 - Volunteers who have a decision-making role, or whose role could influence decisions
 - Staff

Introduction

3. Trustees, volunteers and staff make and enact decisions on behalf of the organisation. It is important that such decisions are made in the best interests of the organisation, and that decisions can be seen to be in the interests of the organisation and not for personal gain or benefit.
4. Generally trustees, volunteers and staff are appointed because they bring expert knowledge and experience to support the organisation. This often means that some conflicts of interest are inevitable and so it is important that the organisation has a clear policy for managing conflicts of interest.
5. The Charity Commission sets out guidance regarding conflicts of interest which can be viewed [here](#). Trustees have a legal duty to act only in the best interests of their charity and the Charity Commission expects trustees to take appropriate steps to ensure that they do so. Trustees have a personal responsibility to declare conflicts of interest if they are to fulfil their legal duties.
6. Article 58 of the AfN Articles of Association states that “A Council or committee member must declare any personal interest of any kind (including, but not limited to, an affiliation, employment or financial interest) in any specific or general matter under consideration by the Council, a General Meeting or a Committee, and shall absent himself from any discussion, correspondence or decision (whether at a Council, Committee or General meeting or otherwise) on such matters.”
7. In order to be clear that AfN is acting in an appropriate, independent and impartial way in its decision making, we apply the same expectations to all groups of people to whom this policy applies.

8. All volunteers, including committee members and trustees, sign up to a code of conduct which includes a commitment to the Nolan Principles on Standards in Public Life.

What is an Interest?

9. An interest is a factor which might influence, or be seen to influence, a decision made on behalf of the Charity. This could be a financial interest or a loyalty interest.
10. Financial Interests include employment, self-employment, shareholdings, businesses, contracts and significant clients of the trustee, volunteer or staff member. They could also include other factors, such as sponsorship, bursaries, awards, research grants or support in kind. We do not ask individuals to declare the monetary value of an interest, as any financial interest could be seen to influence a decision.
11. Loyalty interests refer to where a volunteer has a non-financial interest in another organisation, such as being a trustee or active member of another organisation. They may also occur where a decision could involve their employer (even if not directly related to their role or department), their spouse, partner, family or close relatives.
12. Any private, personal or commercial interests should be declared.
13. In addition, the interests of a spouse, partner, family member or close relative must be declared if they relate to an entity which might seek to do business with AfN, will have an interest in the business of AfN, or may benefit from a decision or action taken by AfN.

Gifts and Hospitality

14. Individuals should declare gifts and hospitality received which may be related to, or seen to be related to, their role with AfN. This can include gifts and hospitality related to another role, but for which there is a real or perceived link to AfN, or where there may be a perception that the gift or hospitality could influence a decision made on behalf of AfN.
15. Generally, any gift or hospitality which exceeds a nominal value of around £25 should be declared. For AfN employees, all gifts and hospitality must be declared.

16. Gifts and hospitality should be advised to the Chief Executive in a timely manner to be added to the Register of Interests. Gifts and hospitality should also be declared in relevant meetings where they are relevant to an item of business on the agenda.

Declaring Interests

17. There are three types of declaration
18. **The declaration of interests' form** records the main financial and loyalty interests of the individual. Declarations include business and personal interests and those of their spouse, partner, family and close relatives. Individuals are responsible for advising the Chief Executive of any change to their declared interests, and should do so by email including details of the interest and relevant dates. In addition, the secretariat will call for updates once each year.

Example:

A Council member working in industry has a role which includes engaging with a number of suppliers on behalf of their employer. The suppliers change on a regular basis, and the decision regarding suppliers is made by the employing organisation according to its own criteria. The member would include their employer in their declaration, but would not need to include individual suppliers.

Example:

A Council member working as a freelancer has their own consultancy company. They declare their consultancy as their employer, outlining the nature of their business. It would not normally be required to disclose all of their clients, unless an agenda declaration was appropriate.

Example:

A Council member sets up a new nutrition business. The business doesn't have any clients yet, but is offering services. The member would include this interest on their declaration.

Example:

A Council member has a research role with a strong interest in sustainability. They undertake funded research in this area, and are a member of an environmental lobbying group. The member would include the research funders and membership of the lobbying group in their declaration.

19. **Agenda declarations** are called for at the start of each meeting and could be

- Advising the meeting of a relevant declaration already included in their register entry which is relevant to an item of business on the agenda.
- Advising the meeting of an interest which has not previously been declared but which is relevant to an item of business on the agenda.

Example:

The Agenda includes discussion of the competencies related to health behaviours. A Committee member has an active research interest in this area which they have previously declared on the register. The member reminds the committee of this declared interest prior to its discussion. The committee notes this declaration, but agrees it is the best interests of the organisation to make use of the member's expertise in this discussion. The decision is noted in the minutes, and when the revised competencies are submitted to Council for approval the report includes a note about this decision and what steps the committee took to ensure that the specific interest did not unduly affect its recommendations.

Example:

Registration Committee is considering an appeal in respect of an unsuccessful application for transfer. The applicant works for a large company which supplies ingredients. A committee member works for a retailer and manages their employer's contract with the supplier. Although suppliers would not normally be included in the declaration, the Committee member recognises that there could be a perceived conflict for this item of businesses and makes an agenda declaration. The Committee notes the declaration and agrees that the member concerned should be excluded from consideration of the appeal. This decision is recorded in the minutes.

Example:

Council is considering whether to respond to a Government consultation about regulation of the food industry. A Council member working in a freelance capacity has corporate clients. They make an agenda declaration that they have corporate clients who may be affected by the outcome of the consultation. Council agrees that this presents a conflict of interest and the Council member is removed from the meeting whilst Council discusses this matter.

20. **Assessor declarations** are called for in respect of individual applications when an official is allocating an application to an assessor. Before being allocated an assessment or receiving any documentation about the application the assessor will

be provided with some identifying information and asked to confirm whether or not there may be a perceived or actual conflict of interest. Occasionally the conflict may only become apparent when reading the application, in which case the assessor should declare the conflict and return the application to the relevant official for reallocation. In cases of doubt the official should be asked for advice before proceeding with the assessment.

Example:

An application for transfer is allocated to an assessor. On reading the application they discover that, on behalf of their employer, they manage a contract with the company which employs the applicant. They recognise that this could be perceived as a conflict of interest and return the assessment to the Registration Officer for reallocation.

Determining a Conflict of Interest

21. All interests are declared, but it is for Council or the relevant committee or official to determine whether or not the interest presents a conflict and, if so, how to manage the conflict.
22. Generally an interests could be determined to present a conflict where it could be perceived that the interest could influence a decision which the meeting will be considering. For example:
 - The decision to be made relates to a current or recent employer of the individual
 - The decision relates to a current or recent colleague, employee or student of the individual, or to a relative
 - The individual may obtain a direct or indirect financial benefit from the decision
23. Sometimes determining a conflict of interest will be less straightforward and a judgement will need to be made.

Example:

An assessor notes that a close friend is a lecturer on a programme which has applied for accreditation. They do not have a personal interest in the success of the application, but loyalty to their friend means they would like to see the application be successful. This could be a loyalty conflict and it would be better to avoid allocating the application to this assessor.

Example:

An assessor presented at a symposium, and another member of the panel is a lecturer on a programme which has applied for accreditation. They do not have any other professional or personal association with this individual. This is unlikely to present a conflict of interest.

Managing a Conflict of Interest

24. When a conflict of interest has been identified it must be managed.
25. For interests declared on the register, Council or the relevant committee must determine whether or not the interest can be managed.
26. In some cases it may be decided that the conflict is so serious that it cannot be managed and must be removed. This might be done by declining to appoint the individual with the conflict, or asking them to resign from Council or the relevant committee.

Example:

A trustee is the director of an organisation which has aims or objectives which conflict with those of AfN. Council decides that this conflict cannot be managed and asks the trustee to resign from Council.

27. More commonly, conflicts of interest will be managed by excluding the conflicted individual from relevant pieces of business. In such cases, the individual will not take part in the discussion and decision, will not be included in any ballot and will not count towards the quorum.

Example:

A member of the Accreditation Committee has declared an interest as a current external examiner for a programme which has applied for accreditation. The role attracts a small fee paid by the University and has a formal role in the assessment process of the programme. The committee agrees that this presents a conflict of interest, which can be managed by ensuring that the member is not involved in the assessment of this application. The member with a conflict receives a separate set of committee papers which omit the relevant piece of business and withdraws from the meeting when the application is discussed.

Example:

Council is considering a new certification scheme to badge training delivered to non-nutritionists. A trustee has a business delivering nutrition training to personal

trainers. Council considers that this could be perceived as a conflict of interest for this item of business and the trustee is asked to withdraw from the meeting whilst this business is considered.

28. In the case of assessor declarations, once a conflict has been identified the assessor will not be allocated that assessment and will play no part in the decision.
29. The minutes of the relevant meeting will record any interests which are declared, whether or not it was determined that there was a conflict of interest, and how the conflict of interest was managed.

Additional factors for Trustees

30. Trustees have particular legal constraints set by charity law, which includes specific limitations around when trustees can receive charitable funds, other than legitimate expenses in line with the AfN Expenses Policy. This means, for example, that a trustee cannot be an employee of AfN and would not normally be eligible for a contract work with AfN. These limitations extend beyond the trustee as an individual to any business in which their spouse, partner, family or close relative has a financial interest.

Example:

Council agrees that a web development project should be put out to tender. A trustee's spouse has a web development company which specialises in professional body websites. Council notes that this presents a conflict of interest, and that there are many web development companies which can provide a similar service. It agrees that the spouse's company is not eligible to tender for the project.

31. If a situation arises where there may be a case for payment to a trustee legal advice will be sought prior to entering into any arrangement.

Monitoring, Enforcing and Reviewing

32. Council is responsible for monitoring the application of this policy and reviewing its effectiveness. Council may delegate monitoring of the policy to the Business Planning and Governance Committee, in which case it will consider reports from the committee.
33. The policy will be reviewed and updated on a triennial basis.
34. From time to time it may be identified that an individual has not updated their declaration, or that an interest has not been declared. In such cases the Chief

Executive, or their nominee, will undertake a review of the decisions in which the individual has participated and identify if there are any instances where the undeclared interest may have presented a conflict. This review will be reported to the Business Planning and Governance Committee, which will determine whether any further action is required.

35. Further action may include issuing a warning, requiring an updated declaration by a particular date, and excluding the individual from the business of the relevant Committee or Council, either until such a time as the declaration has been updated and submitted or on a permanent basis.
36. Where the previously undeclared interest is determined to have represented a conflict of interest, the relevant committee or Council will be asked to review the decision to determine whether the conflict of interest has influenced the decision and whether, in light of the new information, the Committee/ Council is satisfied that the decision is appropriate and in the best interests of the organisation.

Viewing the Register

37. A Register of Interests is kept for Council and for each of the committees as follows:
 - The Council register includes the most recent annual declaration of each Trustee and the Chief Executive and is kept in a folder on the SharePoint site where it can be viewed by Council members. It is available for viewing by other stakeholders, including the public, on request.
 - The Accreditation Committee register includes declarations for committee members, assessors and accreditation staff and is kept in a folder on the SharePoint site where it can be viewed by committee members. It is available for viewing by other stakeholders on request.
 - The Certification Committee register includes declarations for committee members, assessors and certification staff and is kept in a folder on the SharePoint site where it can be viewed by committee members. It is available for viewing by other stakeholders on request.
 - The Registration Committee register includes declarations for committee members, assessors and registration staff and is kept in a folder on the SharePoint site where it can be viewed by committee members. It is available for viewing by other stakeholders on request.