

## // DRAFT CED CONFLICT OF INTEREST POLICY

### 1. Introduction

During its November 2018 meeting, the CED Board agreed to discuss a conflict of interest policy. The following document is a draft policy that was prepared on the basis of the current BDA policy.

### 2. Definition and scope

For the purposes of this policy, a conflict of interest is any situation in which an individual's personal interests, or interests which they owe to another body, and those of the CED arise simultaneously or appear to clash. The purpose of this policy is to manage situations where a conflict of interest might arise, by setting up a requirement to declare possible conflicts of interest, to protect the independence and reputation of the CED and affected individuals.

The policy applies to:

- a) CED Board members
- b) Other participants of CED Board meetings (lawyers and other advisors supporting the Board members, ex-officio Board members, other invitees)
- c) Chairs and members of CED Working Groups and Task Forces (including external experts)
- d) CED staff

### 3. CED Board

All CED Board members (and other regular participants of CED Board meetings) are asked to declare any outside interests by completing and submitting the Declaration of interests form annually. Nil returns should be submitted by those who have nothing to declare. Board members must update their declarations of interest prior to the next annual return. Non-permanent participants of Board meetings will be asked to complete the Declaration of interests in advance of the relevant Board meeting.

There will be a regular item on the agenda for each meeting of the CED Board providing an opportunity for declarations of interest to be reported, and recorded in the minutes in addition to the Register of interests. This will also be an opportunity for non-permanent participants (ex-officio Board members and other invitees) to declare their interests.

The Board must discuss how any conflict of interest is going to be addressed or managed once it is declared, or arises during a meeting. Once the person with the conflict of interest has made the declaration (or who has been challenged as having a conflict) and has explained (or responded to) the nature of the conflict, they should withdraw from the meeting to allow the other members to discuss the implications. The usual options are for the individual's interest to be noted each time the item arises or, where there is a material interest, the individual should withdraw from the meeting and take no part in the discussion or decision. The decision on how the conflict will be managed must be recorded in the minutes, with the extract from the minutes placed in the Register of Interests.

Declarations of gifts or hospitality should be noted in the minutes, with a clear record that the declaration has been regarded as producing a conflict (and so a record of how the conflict will be managed) or agreement that the gift or hospitality does not entail a conflict of interest. If it is concluded that a gift or

hospitality does not entail a conflict of interest, there shall be no need for this to be recorded in the Register of Interests beyond the record in the minutes.

A culture of challenge is also encouraged. A Board member should question whether a conflict of interest has arisen for another member, and if accepted as a conflict, its management should be considered in accordance with the policy.

#### **4. CED Working Groups and Task Forces**

It is not anticipated that conflicts of interest will present comparable issues for scrutiny, either in terms of the number or complexity, as those for the CED Board. As such a separate Register of interests is not maintained for chair and members of Working Groups and Task Forces. Members will not be required to complete an annual declarations of interest form.

There will be a regular item on the agenda for each meeting of the Working Group or Task Force providing an opportunity for declarations of interest to be reported, and recorded in the minutes. Any minute though recording a declaration of interest, and how a working body intends to manage any conflict, must be sent to the **CED President**, who will ensure that the **CED Board** is notified.

The Working Group or Task Force must discuss how any conflict of interest is going to be addressed or managed once it is declared, or arises during a meeting. Once the person with the conflict of interest has made the declaration (or who has been challenged as having a conflict) and has explained (or responded to) the nature of the conflict, they should withdraw from the meeting to allow the other council or committee members to discuss the implications. The usual options are for the individual's interest to be noted each time the item arises or, where there is a material interest, the individual should withdraw from the meeting and take no part in the discussion or decision.

Declarations of gifts or hospitality should be noted in the minutes, with a clear record that the declaration has been regarded as producing a conflict (and so a record of how the conflict will be managed) or agreement that the gift or hospitality does not entail a conflict of interest.

A culture of challenge is also encouraged. A country council or committee member should question whether a conflict of interest has arisen for another member, and if accepted as a conflict, its management should be considered in accordance with the policy.

#### **5. CED staff**

Members of staff must make any declarations of interest in accordance with this policy to the **CED President**, who will ensure the appropriate management of the conflict. He will also ensure that the declaration of interest by the member of staff, and his decision on how it will be managed, is reported to the **CED Board**.