

The Royal College of Pathologists

Policy on Declaration of Interests

1. Purpose and Scope

This document describes the Conflict of Interest Policy for trustees of the College. It applies to all College trustees. Its purpose is to ensure transparency and the open and proper management of any particular conflict of interest or loyalty, and in so doing to protect both the College and the trustees from any appearance of impropriety. It complements the provisions of the Code of Conduct, and should be read in conjunction with it.

Section 6 of this policy details the arrangements for declaring interests for those persons with observer status on Council, and section 7 for College staff.

2. Background

- 2.1 Trustees have a legal obligation to act in the best interests of the College, and in accordance with its Royal Charter, ordinances and byelaws. They are expected to act impartially and objectively, and to take steps to avoid any conflict of interest arising as a result of the membership of, or association with, other organisations or individuals.
- 2.2 Conflicts of interest may arise where an individual's personal or family interests and/or loyalties conflict or appear to conflict with those of the College. Such conflicts may create problems – either inhibiting free discussion and resulting in decisions or actions that are not in the best interests of the College; or risking the impression that the College has acted improperly.
- 2.3 It is recognised that conflicts can also arise between a trustee's duty to the College and some other public obligation, trusteeship of another organisation or membership / employment by another organisation. This is defined as duality of interest: that is, the trustee may have divided loyalties, but does not stand to gain financially or in any other way. Where such duality exists, the trustee should declare it, and is expected to act in the best interests of the College.
- 2.4 The law states that trustees cannot receive any benefit from their charity in return for the service they provide to the charity unless they have express legal authority to do so. "Benefit" includes any property, goods or services which have a monetary value, as well as money. This legal authority will come from either a clause in the College's charter ordinances or byelaws (e.g. the reimbursement of reasonable travel expenses), or, where there is no adequate clause in the charter ordinances or byelaws, from the Charity

Commission or the Court. It is the potential, rather than the actual, benefit from which the conflict of interest arises which requires authority.

3. The Declaration of Interests form and the Register of Interests

3.1 On becoming a trustee, and at least annually thereafter, trustees must declare their interests on the Declaration of Interests form.

3.2 Trustees should declare the following on the Declaration of Interests form:

- i. Posts held in the ordinary course of employment or practice.
- ii. Membership of other professional bodies.
- iii. Any office held in a professional body, specialist society or similar body in the public, private or voluntary sector. Offices include posts such as President, Chair, Chief Executive, Treasurer and Secretary, and also membership of a committee.
- iv. Consultancies, directorships or advisory positions relating to any company, organisation, public body or political party.
- v. Membership of any disease pressure group.
- vi. Shareholdings in private limited companies, or in excess of £10,000 in market value in publicly quoted companies.
- vii. Sponsorship or hospitality received from any organisation in excess of £500 in the proceeding 12 months.

3.3 The Chief Executive shall maintain a Register of Interests for the trustees, and shall record all declarations of interests on the Register. The Register will be published in the open area of the College's web site.

3.4 Members of Council should amend their declarations of interest as soon as possible following any change in their circumstances and will, in any event, be invited to update their entries at the first meeting of Council following each AGM.

3.5 In the case where there is nothing notifiable to declare, a form should still be submitted, stating this fact.

4. Management of Conflicts of interests or loyalties

4.1 At the beginning of each Council meeting, trustees who have a conflict/potential conflict of interest or loyalties on a particular issue on the agenda shall declare their interests, including whether or not there is potential for deriving a material benefit, and take no part in deciding that issue.

- 4.2 If a trustee declares that they have a conflict/potential conflict of interest on a particular issue that could lead to them receiving a material benefit, and if this benefit is not authorised by the College's Charter and Bye-laws, the trustees will need to decide if it is nevertheless in the College's best interests to continue discussion and decide upon that particular matter. The quorum for such a decision will exclude the trustee who has a conflict/potential conflict of interest.
- 4.3 If Council decides to progress an issue that could lead to a trustee/trustees receiving a material benefit that is not authorised by the College's charter, ordinances and bye-laws, it shall request the Chief Executive to seek the appropriate authority from the Charity Commission, and will not further progress the issue until the appropriate authority has been received.
- 4.4 If a trustee fails to declare an interest that is known to the President or the Chief Executive, then the President or the Chief Executive will declare that interest.
- 4.5 The secretary of the meeting shall record in the minutes the nature and extent of the conflict, an outline of the discussion and the actions taken to manage the conflict/potential conflict.
- 4.6 Where a trustee benefits from a decision this will be reported in the annual report and accounts in accordance with SORP 2005 (Statement of Recommended Practice).

5. Indirect or Minimal benefit

Trustees may participate in discussions from which they may indirectly benefit, for example where the benefits are universal to many or all members of the College, or where their benefit is minimal.

6. Policy in relation to observers at Council

- 6.1 Persons attending Council with observer status are often afforded the opportunity to speak to particular issues at Council meetings and actively participate in the debate. As such, there could potentially be a conflict of interest. Therefore, observers at Council shall be subject to the provisions of this policy as detailed above, except that their declaration of interest form will not be published on the College web site.

7. Policy in relation to College staff

- 7.1 College staff often deal with many companies and organisations in their day to day work, and as such there is scope for potential conflicts of interest.

This could include a personal or family interest in an organisation with which the College has dealings.

7.2 All members of College staff should declare to the Chief Executive, and in the case of the Chief Executive to the President, any private interests which could potentially result in either personal gain, or gain for their partner, family or friends, as a consequence of their position. Failure to declare a relevant interest could lead to disciplinary proceedings.

7.3 All such declarations will be kept confidential, and not published on the web site or elsewhere.

8. General

If you are unsure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss the issue, please contact the Chief Executive for guidance.

**The Royal College of Pathologists
Declaration of Interests Form**

Name

Date completed

A. Posts held in the ordinary course of employment or practice

B. Membership of other professional bodies

C. Offices held in a professional body, specialist society or other organisation

D. Consultancies, directorships or advisory positions held

E. Membership of any disease pressure groups

F. Shareholdings in private limited companies, or in excess of £10,000 in market value in public quoted companies

G. Sponsorship or hospitality received from any organisation in excess of £500 during proceeding 12 months
