DIOCESE OF WESTMINSTER

Safeguarding Service

CONFLICTS OF INTEREST

IN SAFEGUARDING MATTERS

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CONFLICTS OF INTEREST IN SAFEGUARDING MATTERS
DIOCESE OF WESTINSTER
SAFEGUARDING SERVICE

1. INTRODUCTION

1.1 The identification and management of conflicts of interest is key to good governance. Conflicts of interest are recognised as leading to decisions that are not in the best interests of a charity, and which are accordingly invalid or open to challenge. Conflicts of interest also have the potential to damage reputation and public trust. As a sub-committee of the Westminster Roman Catholic Diocesan Trust [the RCDOW Trust], the Diocese of Westminster's Trustee's Safeguarding Committee attaches great importance to ensuring that safeguarding matters are handled with integrity. It believes that harmful effects arising from conflicts of interest can be prevented where this guidance is used to identify conflicts of interest and the necessary actions are taken to prevent them from affecting decision making.

1.2 Adherence to this guidance will provide assurance that decisions taken on safeguarding matters are made in a fair and transparent way and that any conflicts of interests are dealt with in accordance with the law and good practice.

2. APPLICATION

2.1 This guidance applies to members of the Trustee's Safeguarding Committee and Directors of the Trust Board, when exercising functions associated with safeguarding, and any persons advising the Diocese on safeguarding matters (including staff members of the Safeguarding Service employed by the RCDOW Trust and any persons contracted to provide services in connection with the safeguarding functions of the RCDOW Trust). Its coverage should extend beyond the consideration of individual cases to include, for example, the appointment of auditors, the awarding of contracts for risk and psychological assessment and investigation etc.

3. DEFINITIONS

3.1 For the purposes of this guidance:

3.2 A 'conflict of interest' is defined as a set of circumstances by which a reasonable person would consider that an individual's ability to exercise judgement or act in the best interests of children and vulnerable adults in safeguarding matters, is or could be impaired or otherwise influenced by his or her involvement in another role or relationship or by another interest they hold. There are a number of important considerations when defining conflicts of interest:

a) Charity Commission guidance identifies two types of conflict: (i) **financial conflicts** and (ii) **loyalty conflicts** and provides examples of each.[1] In the Diocesan context, a financial conflict of interest might arise in commissioning investigative or assessment services or in providing support services for victims and survivors. A loyalty conflict of interest might arise through a connection with an accused person.

b) Conflicts can be **direct**, in relation to the interests of the individual, or **indirect**, in relation to the interests of a spouse, partner, close relative or business partner. An example of a direct conflict of interest would be the awarding of a contract to a company owned by an individual covered by this guidance.

c) The conflict would be indirect if the individual did not own the company but stood to benefit from any profit made on the contract.

d) Conflicts of interest can also be actual or perceived. A **perceived conflict** of interest is where an interest could be seen to influence a decision, although decision making and/or activity is quite proper. It is important to recognise where conflicts might be perceived, even if an individual considers that it would not impact activity. If a situation looks like a conflict of interest, it should be treated as such and managed.

3.3 A **'low risk'** conflict of interest is one where the interest poses a low risk to decision making or is likely to have only an insignificant bearing on the approach taken to an issue.

3.4 A **'high risk'** conflict of interest is one where the conflict could significantly affect, or could be seen to significantly affect, decision making.

4. PROCEDURE FOR MANAGING CONFLICTS OF INTEREST

4.1 There are 2 stages in the management of conflicts of interest, namely:

a) identification; and,
b) management.

5. IDENTIFICATION: DECLARING AND RECORDING A CONFLICT OF INTEREST

5.1 The Diocese seeks to promote a culture of openness around the disclosure of conflicts of interest; if a declaration is made and managed in accordance with this guidance, it should not be seen as reflecting adversely on the person raising the conflict.

5.2 The processes for identifying conflicts of interest are as follows:

a) **On appointment:** new Committee members, Directors of the Trust Board and advisers (including staff members) must be required to complete a declaration disclosing any conflicts of interest. In addition, induction training should ensure that Committee members, Directors of the Trust Board and staff have a clear understanding of the circumstances in

[1] Charity Commission, Managing conflicts of interest in a charity, 2 November 2020.

which they may find themselves in a position of conflict of interest and their personal duty to declare.

b) **Annual check:** Committee members, Directors of the Trust Board and (as applicable) advisers must update the declaration annually, and when any changes to circumstances occur.

c) **Meeting procedures**: conflicts of interest must be included as a standard agenda item at the start of any meeting at which matters relating to Diocesan safeguarding functions are to be discussed, requiring the declaration of any circumstances that could give rise to a conflict of interest. During the meeting, if a potential conflict arises which either was not recognised before or which has arisen due to the nature of discussions, then the conflicted person must raise this matter with the Chair immediately. A record of any interest that may make it difficult for a person to fulfil their duties impartially, or may create an appearance of impropriety, and any action taken to address this is to be noted in the minutes of the meeting.

5.3 If there is any uncertainty about whether or not conflict arises, it is better to err on the side of openness, declaring the issue and initiating a discussion.

6. MANAGEMENT: PREVENTING CONFLICTS OF INTEREST FROM AFFECTING DECISION MAKING

6.1 Effective management of conflicts of interest involves identifying and taking actions to ensure that any potential effect on decision making is eliminated. Having a conflict of interest does not necessarily disbar the person making the declaration from being involved in decision-making. The underlying principle is that conflicts must be managed in a way that ensures that decision making is balanced and is not influenced by private interests.

6.2 When a declaration of a conflict of interest is made, there should be collective agreement amongst those in attendance at the meeting where the conflict of interest is received on how to manage this, in line with this guidance. Any declaration made outside a meeting should be communicated to the meeting by the Chair and, save in circumstances where the conflicted person is not present or has recused themselves from decision making, the procedure for preventing conflicts of interest from affecting decision making set out in this guidance should apply.

6.3 If the conflict is 'low risk', and it is judged that a meaningful contribution can still be made by the person making the declaration, it may be judged appropriate to note the interest formally in the minutes and allow them to participate in the discussion. The conflicted person may be excluded from any voting that takes place.

6.4 If the conflict is 'high risk', and the person making the declaration is unable to participate without being influenced (or if it might be seen that way by an outside observer), it may be determined that it would be appropriate for the person to be asked to step away from the discussion.

6.5 Where a conflict regularly prevents participation in decision-making and prevents full participation, consideration should be given to asking the Archbishop to ask the conflicted person to step down from their role.