

### Why do we have a policy?

Board members, Creative Advisers and staff members have a moral and legal obligation to act in the best interests of Creative Lives. This policy is designed to protect both Creative Lives and the individuals involved by following this policy and ensuring the register of interests is regularly updated when required.

Whether paid or voluntary, it is essential that the individuals covered by this policy, when acting on behalf of Creative Lives in any capacity, are putting Creative Lives first. This policy seeks to avoid Board members, Creative Advisers, members of staff and freelance contractors making a decision (or assisting in making a decision) on behalf of Creative Lives other than completely impartially, where there is, or appears to be, a conflict between the interest of Creative Lives and other interests the individual may have. Such conflicts could create problems. They might:

- prevent Board members, Creative Advisers, staff members and freelance contractors being in full possession of important information,
- inhibit full and frank discussion,
- lead to decisions being taken which are not in Creative Lives best interests, and
- lead Creative Lives to take, or to appear to take, improper actions.

It is normal practice in meetings for people to declare an interest and remove themselves from discussion. Best practice suggests a more formal approach should be adopted which offers greater transparency and more protection for both Creative Lives and the individuals concerned. This is a **“register of interests”** (see *appendix i*)

### The declaration of interests - (see examples of types of interest in *appendix i*)

In meetings people should declare an interest at the earliest opportunity and remove themselves from discussion. Staff should deliberately refrain from making operational decisions in which they might be seen to have an interest, or which might lead to personal gain of any kind for themselves, their immediate families, or close associates. An example would be, a meeting where staff salaries were being discussed, or the decision to award a contract to an organisation with which an individual had close connections.

Under charity law a connected person includes the following:

- a child, parent, grandchild, grandparent, brother or sister
- the spouse or civil partner of the trustee/staff member
- a person carrying on business in partnership with the trustee/staff member.
- an institution which is controlled by the trustee or staff member.
- a body corporate in which the trustee or staff member or any connected person, listed in any of the first 3 points above, has a substantial interest.

*See Appendix ii – failure to declare an interest, failure to register an interest.*

### **Major or ongoing conflicts of interest**

Where a Board or Creative Adviser has a major or ongoing conflict of interest, they should offer to resign from the Board or their role of Creative Advisers. Major or ongoing conflicts of interest on the part of staff should be referred to the CEO for appropriate action within the line management structure. If there is a question as to whether a conflict of interest is major or ongoing, the Board will decide by simple majority. In no case may the person concerned vote on the matter in question, nor be counted as a part of a quorum.

### **User Groups and Beneficiaries**

The Creative Lives Board members and the pool of Creative Advisers include those who make use of Creative Lives' services. Chairs should be aware that such members bring important knowledge to discussions of issues that directly affect users but should be sensitive to the point at which members may stand to gain exceptional benefit for groups with which they are engaged. In such cases, the Chair should invite the Board/Advisers to reach a consensus as to the level of conflict of interest and whether the standard conflict of interest policy should be brought into play.

### **Awarding of contracts to Board or Creative advisers Network members**

Board members may not be considered for contracts offered by Creative Lives. Creative Advisers (other than the Chair) may be considered for contracts offered by Creative Lives where this is agreed by the Creative Advisers as demonstrably in the interests of Creative Lives and the award of the contract is made in accordance with good practice in appointing suppliers. Any Creative Advisers considering tendering for work or applying for a paid position in Creative Lives should declare this interest at the earliest possible opportunity and withdraw from further discussion and decisions on the matter. Board members considering tendering for work or applying for a paid position in Creative Lives should declare this interest at the earliest possible opportunity and offer their resignation from the Board. In the case of extended or frequent and repeated interest in contracts to supply, Creative Adviser members should also offer to resign.

### **Recruitment**

Any Creative Lives staff, freelance contractor, Board and Creative Adviser members involved in the recruitment of new staff should ensure that they follow all agreed actions in the **Creative Lives Recruitment and Selection Procedure** in relation to Conflict of Interests.

### **Gifts and benefits in kind**

Board, Creative Advisers, staff members and freelance contractors should declare all personal gifts received and hospitality accepted or offered while on Creative Lives business, or from people or organisations connected with Creative Lives. This applies only to benefits which accrue solely or almost solely to the individual and which do not benefit Creative Lives – over and above subsistence that would otherwise be reimbursed by Creative Lives. Board, Creative Advisers, staff members and freelance contractors should also declare any gifts /hospitality which they offer to others when acting on behalf of Creative Lives. **(See appendix i)**

### **Data Protection**

This policy sits alongside the **Creative Lives Data Protection & Retention Policy** ensuring that all information provided will be processed in accordance with the Data Protection Act 2018 and the European Union's General Data Protection Regulation (GDPR). Data will be processed only to ensure that Board members, Creative Advisers and staff act in the best interests of Creative Lives. The information provided will not be used for any other purpose.

## Appendix i

### Register of interests' registration form.

Creative Lives has a Conflict of Interests Policy which applies to Board members, Creative Advisers, staff members and freelance contractors and requires that interests be registered. The policy should be read in conjunction with this registration form. Types of interests to be registered.

- Current and recent (within two years) Board memberships, directorships and memberships of organisations or governing bodies held by an individual, close family member or close associate.
- Current and recent (within two years) ownership or proprietorship of, or employment or self-employment in, an enterprise (including sole traders and partnerships) by an individual, close family member or close associate.
- Receipt or offer of gifts / hospitality of benefit to the individual when acting on behalf of Creative Lives – over and above subsistence that would otherwise be reimbursed by Creative Lives.
- Any gifts / hospitality offered by Creative Lives Board members, Creative Advisers, staff members and freelance contractors when acting on behalf of Creative Lives.

I ..... (name) confirm that I have the following interests which may be disclosed to those specified in the Creative Lives Conflict of Interests Policy for the purpose of avoiding such conflicts only and that I have declared all such interests.

Signed ..... date .....

Type of interest	Type of person it relates to	Current or recent?
e.g., Director of Acme publishing	e.g., myself	resigned 4 months ago
e.g., Chair of Widget makers UK	e.g., spouse	current
e.g., Consultant on voluntary sector structures for DCMS	e.g., business associate	current

### **Gift Register**

Gift or benefit and date offered.	Date accepted and Duration	To whom it relates	From whom received	Approx. monetary value

#### **Types of interests to be registered.**

- Board memberships, directorships and memberships of organisations or governing bodies held by an individual, close family member or close associate that will or may impact on Creative Lives and its work.
- ownership or proprietorship of, or employment or self-employment in, an enterprise (including sole traders and partnerships) by an individual, close family member or close associate that will or may impact on Creative Lives and its work.
- receipt or offer of gifts / hospitality of benefit to the individual when acting on behalf of Creative Lives – over and above subsistence that would otherwise be reimbursed by Creative Lives
- any gifts / hospitality offered by Creative Lives Board members, Creative Adviser members, staff members and freelance contractors when acting on behalf of Creative Lives.

All declarations should be submitted directly to the CEO on the Register of interests' registration form within one month of receipt or offer and will be recorded in the Gifts appendix to the Conflict-of-Interest Register. Gifts which fall within what would otherwise be reimbursed by Creative Lives (e.g., the offer to pay for a cup of coffee at a meeting while on Creative Lives business) are not considered as benefits accruing to the individual and need not be declared.

Board, Creative Advisers, staff members and freelance contractors should not accept gifts with a significant monetary value or lavish hospitality without first seeking the approval of the Chair of the Board/Advisory Group or their line manager. Such gifts to Creative Advisers should be referred to the Creative Lives Board Chair, and in the case of the Board Chair, to the Creative Lives Board Vice Chair and Chief Executive Officer.

Board, Creative advisers, staff members and freelance contractors should under no circumstances accept gifts or hospitality where this could be seen as being likely to influence the decisions of the Board or would be considered as bribery under the terms of the Bribery Act 2010. Board, Creative advisers, staff members and freelance contractors should under no circumstances

offer gifts or hospitality that would be considered as bribery under the terms of the Bribery Act 2010.

### **The Register of Interests**

All new Board members, Creative advisers, staff members and freelance contractors will be required to complete their registration before taking up their duties, using the 'Register of interests registration form' (see below). All individuals covered by this policy are required to update their register entry at the earliest opportunity as changes occur (normally within one month of the change occurring or at the first meeting where the interest is relevant, whichever is earlier).

All individuals will be required to update their Register of interests on an annual basis even if there are no changes to be made. For Creative Lives Board and Creative Advisor members this will be the anniversary date of joining Creative Lives and all Creative Lives staff will be requested to update as part of their annual appraisal. Freelance contractors will be asked to complete when their contract is signed.

Registration forms should be submitted directly to the Creative Lives CEO in all cases. The maintenance of the register will be the responsibility of the Creative Lives CEO. The register is not in the public domain, but the appropriate sections (see below) will be available for inspection to all whose names appear on it and will act as guidance to the meeting chairs and line managers. Chairs of Board, Creative Advisers, Sub-Committees and staff meetings are required to make the declaration of interests an early agenda item at every meeting and ensure that any new declarations are forwarded for recording in the register. The register will be divided into the following sections:

- Creative Lives Board
- Creative Lives Advisers
- Other Creative Lives panels, groups, and subcommittees
- Creative Lives staff and Freelance contractors

### **Appendix ii**

#### **Failure to declare an interest.**

If anyone fails to declare a relevant registered interest in a meeting, the meeting Chair will declare that interest. To this end, meeting chairs are expected to familiarise themselves with the registered interests of the members of the relevant Board/Creative Advisor/staff team

If there is a question as to whether a conflict of interest exists, the Board or Advisory Group will decide by simple majority. In no case may the person concerned vote on the matter in question, nor be counted as a part of a quorum.

If a staff member fails to act appropriately over a matter in which they have a declared interest, the CEO will take appropriate action within the line management structure.



**Failure to register an interest.**

A failure to register an interest will be dealt with by the Board or through the staff line management process. This might lead to the register being updated and / or decisions reversed or other appropriate action.

Serious breaches will be dealt with under Article 27 of the Creative Lives Articles or by the staff disciplinary procedure as appropriate.