

Conflicts of Interest Policy

Introduction

1. 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 BDA arise simultaneously or appear to clash. It is inevitable that conflicts will arise and there is a need to manage any potential to profit from an individual's position in the Principal Executive Committee (PEC), country councils or craft and advisory committees or for them to be influenced by conflicting loyalties. This also applies to staff where conflicts or potential personal gain may arise from their employment by the BDA (*members of the PEC, country councils, craft and advisory committees, including office holders, and staff, are referred to as 'all those affected by this policy' in the remainder of this document*).
2. Some members of the PEC are also Trustees of the BDA Trust Fund. As such it is appropriate that there is adherence to guidance issued by the Charity Commission which seeks to help trustees and to manage conflicts of interest.
3. The need to declare (and therefore manage) conflicts of interest applies not just within the not-for-profit sector. The Committee on Standards in Public Life, set up by the Government with the aim of ensuring the highest standards of propriety in public life, acknowledged the need to declare and manage conflicts of interest.
4. Even the appearance of an unmanaged conflict of interest can damage an organisation's reputation, so conflicts need to be addressed or managed carefully. This policy is based on legislation, regulation and best practice in governance. The policy is intended to protect both office holders and staff themselves from accusations of bias as well as the organisation as a whole.

Managing conflicts of interest

Principal Executive Committee

5. The PEC is both the BDA's Board of Directors and the Principal Executive Committee for the purposes of trade union law. It is the only body that can take decisions on the operational and strategic direction of the organisation. As such, the PEC should be subject to the most stringent management of conflicts of interest.
6. The Secretary to the PEC maintains a Register of Interests for the PEC, and all members 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.
7. Members must update their declarations of interest prior to the next annual return by reporting them to the whole PEC, and copied to the Secretary. The Secretary shall make the Register of Interests available at each meeting of the PEC.
8. There will be a regular item on the agenda for each meeting of the PEC providing an opportunity for declarations of interest to be reported, and recorded in the minutes in addition to the Register of Interests.

9. The PEC 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.
- 10.. 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.
11. A culture of challenge is also encouraged. A PEC 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.

Country Councils, Craft and advisory committees

12. Country Councils, craft and advisory committees have a very important role in representing members and advising the PEC on the detail of policy. This will involve proposing policy options to the PEC, and sometimes conducting detailed negotiations with Government ministers and civil servants. The country councils also have an important constitutional role in holding the PEC to account on behalf of members, and the United Kingdom Council can convene an Extraordinary General Meeting of the Association to propose the dissolution of the PEC and call for fresh elections. Members of country councils, and craft and advisory committees, although they do not have formal decision making responsibilities, must therefore undertake their responsibilities objectively and in the best interests of the Association.
13. 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 PEC. As such a separate Register of interests is not maintained for members of country councils, craft and advisory committees. Members will not be required to complete an annual declarations of interest form. Any minute though recording a declaration of interest, and how a committee intends to manage any conflict, must be sent to the Secretary to the PEC, who will ensure that the Audit Committee is notified.
15. There will be a regular item on the agenda for each meeting of the committee providing an opportunity for declarations of interest to be reported, and recorded in the minutes.

16. The country council or committee 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.
17. 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.
18. 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.

Members of staff

19. Members of staff must make any declarations of interest in accordance with this policy to the Chief Executive, 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 Audit Committee.

Role of the Audit Committee

20. The Register of Interests for the PEC will be reviewed by the Audit Committee after each annual declaration of interests, and it shall also review any updated declarations. The Audit Committee will also consider declarations of interest recorded in country councils, craft and advisory committees. The Audit Committee can investigate and challenge conflict management decisions in the PEC, or any country council or committee, and can direct the PEC, country council or committee concerned to adopt alternative actions. It may also recommend alternative actions in regard to the decisions taken by the Chief Executive in regard to the management of a conflict issue for a member of staff. The PEC may appoint substitute members of the Audit Committee, where members of the Audit Committee themselves are potentially affected by a conflict of interest.
21. If the PEC, country council, craft or advisory committee cannot reach a conclusion about the management of a conflict of interest, then the issue can be referred to the Audit Committee for guidance. The Audit Committee will if necessary direct the PEC, country council or committee concerned on appropriate actions, and the decisions of the Audit Committee will be final.
22. If the majority view in the PEC, or any country council, craft or advisory committee that an individual's conflict of interest is so significant that it should exclude him or her from office within the PEC, country council or committee, or from membership of a country council, craft or advisory committee itself, then the matter should be referred to the Audit Committee for resolution. The Audit Committee's decision will be final.

23. A member of the PEC, country council, craft or advisory committee, or a member of staff, may refer an issue to the Audit Committee if s/he considers that a conflict of interest is not being managed appropriately in his/her country council or committee, or any other country council or committee of which s/he has knowledge. The Audit Committee will consider if any action is required, and its decisions will be final.

What happens if a conflict of interest is unmanaged?

24. Unmanaged conflicts of interest place pressure on all those affected by this policy. They may feel uncomfortable voting against the interests of a fellow office holder; or feel obliged to vote in favour of the office holder's interests if they are close friends or colleagues. Finally, unmanaged conflict of interest can affect the reputation of the organisation and those within it. The perception of unmanaged conflicts of interest could lead to doubts about the organisation's probity and transparency, and concerns of poor governance.
25. When considering whether a conflict of interest exists, all those affected by this policy should consider how the issue might be perceived by members or people outside of the organisation.
26. All those affected by this policy should always seek advice from the Chief Executive on any issues they are unclear about, or if they may have received an unauthorised benefit, or they have not declared an interest. In the case of PEC members who are Trustees, the Finance Director will, if necessary, seek clarification and remedy from the Charity Commission.

Trustees of the BDA Trust Fund

27. Charity law states that trustees (some members of the PEC) cannot receive any benefit from his or her charity without explicit authority being given in the governing document. The BDA does not have an explicit authority to permit any payment to trustees for services related to the BDA Trust Fund.
28. If during discussions on BDA Trust business, a trustee materially benefits from a PEC decision, and the normal methods of managing the conflict are not sufficient, guidance will be sought from the Charity Commission and this will be reported in the annual report and accounts in accordance with SORP 2005.
29. If an elected member has received a benefit which is not authorised by the governing document or by the Courts or Charity Commission, they will be acting outside of the terms of the organisation's governing document and may be in breach of trust. In extreme cases, the remedy for this, depending on the type of interest and benefit gained, could involve paying back to the organisation the value of the benefit, or the transaction being challenged by the Charity Commission. If the office holder is deemed to have deliberately placed their own interests ahead of those of the organisation to gain benefit at the expense of the charity, the Charity Commission will open an inquiry and, if fraud is suspected, could refer the matter to the police.



Political neutrality guidelines

These guidelines have been produced for staff and elected members to ensure their professional activities on behalf of the Association do not contravene the Association's stance of political neutrality, and to also help colleagues identify any potential conflicts with this policy in their activities outside of the BDA.

What does political neutrality mean for staff and elected members?

The BDA asserts that it is free of any party political allegiance, and sets its policies in the best interests of the profession and the patients it serves. Staff are expected to implement those policies to the best of their ability, and it is a mark of professional behaviour that no political bias or indication of private conviction is evident in the manner in which staff discharge their duties. Staff should also avoid any overt manifestations of political allegiance in the workplace, such as wearing clothing with political slogans or displaying posters.

Elected members should contribute to debate on policy issues in the best interests of the profession, and their patients and constituents. Again, elected members should not exhibit any party political bias in the democratic and policy making processes of the Association, and should accept cabinet responsibility for the policies of the BDA in all public forums.

Does this mean that staff or elected officials cannot be members or activists of political parties?

Staff and elected officials can join, and actively support, a political party in a private capacity.

However colleagues should be mindful of joining any public platform or engaging in any public debate that may associate their private opinions with those of the BDA. Usually this means sensitivity about any public debate or party policy relating to dental matters or possibly wider health issues. If any member of staff or elected member anticipates individual exposure to the media or in a public forum that may bring them into conflict with BDA policy, then s/he should alert the Chief Executive who will advise and support the colleague concerned in the most appropriate way. Advice and support will take into account the extent to which a conflict arises, the likely reaction or level of media interest, and the sensitivity or seniority of the position held by the member of staff or elected member.

Does a conflict mean that a member of staff or elected member will be asked to choose between their employment /involvement with the BDA and their private political activities?

So long as the Chief Executive is advised of any potential conflict, the aim will be to manage the situation as effectively as possible. It is anticipated that in the great majority of cases, with good sense on both sides, any difficulties can be resolved or minimised. However it is possible that where strong private convictions are expressed in public and conflict with core policies of the BDA, then continued employment or democratic involvement with the Association may be incompatible. Again, this is likely to depend on the extent to which a conflict arises, the likely media reaction, and the sensitivity or seniority of the position held.

In these circumstances any action taken in regard to a member of staff will be consistent with the demands of employment law. Any action against an elected official will be given careful consideration by the Ethics Committee, observing both the demands of natural justice and the fact that any decision taken by the Ethics Committee in this regard will set a precedent for the future.



Does a conflict arise if a member of staff or elected member belongs to a political party that has policies that conflict with those of the BDA?

Generally no, as it is not the business of the BDA to restrict the right of a member of staff or elected official to join a legally constituted political party in a private capacity. However individuals may be held accountable for their own words or actions, and this includes their acceptance of the values of the Association. For example the BDA serves a diverse profession, and of course there is increasing diversity in the patient population the profession itself serves. As such the BDA is committed to equality of opportunity and treatment, and does not tolerate discrimination on the grounds of ethnicity, gender, religion, disability, age, marital status, sexual orientation, or any other irrelevant consideration. Any public actions or statements that contravene these values may call into question the continued employment of an individual or their involvement as an elected official. Again, any action taken against an individual will be consistent with the demands of employment law and natural justice.

Can a member of staff or elected official be a candidate for a political party in an election?

Yes, though again the Chief Executive should be alerted as soon as possible about a candidate selection. The Chief Executive will facilitate appropriate advice and support, taking into account potential conflicts and the likely media interest in the individual's connection to the BDA. Again in most cases this should be handled effectively with good sense on both sides, and may also involve liaison between the individual and the political party s/he is representing.

However, continued employment with the BDA or in an elected position may be called into question in some circumstances, most likely where a very senior member of staff or elected official is a candidate and who may be involved in high profile criticism of the profession or the policies of the Association in the conduct of an election campaign.

These guidelines address common questions about the policy of political neutrality adopted by the BDA. Other questions may arise, and in these circumstances issues should be referred to the Chief Executive who shall provide an interpretation of the policy. Any potential conflict that involves the Chief Executive should be referred for interpretation to the Chair of the Principal Executive Committee.

Reporting and disciplinary procedures

Reporting

What to do if you consider you are subject to bullying or harassment, or conduct that falls short of the BDA's standards of work behaviour

The BDA is committed to ensuring that all members and staff are treated with dignity and respect, and in particular that there is no harassment or bullying in the workplace. The examples of harassment provided in the 'Dignity at Work' policy will be treated as disciplinary matters, though every complaint will be investigated independently in order to establish the facts.

Your first step is to decide whether the inappropriate behaviour can be dealt with informally by yourself. This might be because the act itself is relatively minor, isolated, or clearly unintentional. In these situations it is possible that the matter can be resolved immediately by letting your colleague know that the behaviour in question is unacceptable to you, and should be avoided in future.

If you feel uncomfortable about raising the issue directly with your colleague, or if you consider the behaviour is more serious because it was deliberate, part of a persistent pattern, or serious in nature, or has been repeated despite having discussed a previous incident informally, then you should report the matter in the first instance to your line manager (for staff) or Committee Chair (for members). If it is inappropriate to discuss the matter with your line manager or Chair, or if you are dissatisfied with their response, then you should seek advice, as appropriate as set out below.

For staff

- Human Resources Manager
- Staff representative
- Your line manager's line manager
- A trusted colleague

For members

- The Chair of the Principal Executive Committee (PEC)
- The Chair of the Audit Committee
- The Secretary to the PEC
- The Chief Executive

Staff or members may formally raise a complaint through the grievance procedure, available from either the Human Resources Manager (for staff) or the Secretary to the PEC (for members). Even if a complaint is raised without invoking the grievance procedure, the recipient of the complaint will treat the matter as a grievance if they consider the matter is sufficiently serious.

Members who have a complaint about the behaviour of a member of staff when using the services of the Association, or when in contact with a member of staff in their capacity as a member, should address their complaint to the Secretary of the PEC, who will investigate the matter in liaison with the Human Resources Manager. The member may appeal to the Chief Executive if they are dissatisfied with the response to their complaint.



What to do if you know or suspect that staff or members may be involved in activities that breach the BDA's Standards of Service and Conduct.

If you know or suspect breaches of the BDA's Standards of Service and Conduct by others then you should share your concerns with an appropriate contact within the Association (options are set out above), and you can also refer to the procedural advice set out in the Association's Whistleblowing policy, available from either the Human Resources Manager or the Secretary to the PEC.

What to do if you have a potential conflict of interest, or suspect that conflicts of interest are not being managed by others

The Conflicts of Interest policy sets out the actions that should be taken if an individual has a potential conflict of interest or wishes to share their concerns about the suspected existence of conflicts elsewhere.

Disciplinary procedures

Members of staff may be subject to disciplinary action and appropriate sanctions in regard to breaches of the BDA's Standards of Service and Conduct. All such actions will be managed by the Human Resources Manager within the policies of the Association.

BDA members may be subject to referral to the Association's Ethics Committee in regard to breaches of the Standards of Service and Conduct policy. A decision on referral will be made by the Chief Executive, and the Ethics Committee may, following investigation, apply appropriate sanctions provided to it by the Articles of Association.