

HUMAN FERTILISATION AND EMBRYOLOGY AUTHORITY

GUIDANCE FOR MEMBERS (AND COMMITTEE MEMBERS) CONCERNING CONFLICTS OF INTEREST (APPROVED 21ST JANUARY 2009)

1. The Human Fertilisation and Embryology Authority (“the Authority”) is a public body. As a member of the Authority, or one of its committees, you have been appointed precisely because of the rich, and varied experience that you have gained from your other positions and interests, which you can bring to bear on the work on the Authority. Whilst these other positions and interests are highly valued, occasionally, there is the potential for these personal interests to conflict with the work of the Authority.
2. In its regulatory role, the Authority holds licence-holders to account against the standards we set. It is therefore particularly incumbent upon us to be seen to meet those standards that apply to the conduct of our own business. This is both an organisational obligation, and a personal obligation for each member.
3. All those who serve on the Authority, or one of its committees, are required to act in accordance with the Seven Principles of Public Life published by the Committee on Standards in Public Life (Annex 1). In many cases, therefore, any potential difficulties can be avoided by declaring the interest that you hold, and by acting in conformity with these principles.
4. There should be a culture of openness and transparency around the disclosure of interests and any potential conflicts, and it is your individual responsibility to ensure that your entry in the register of interests maintained by the Authority is accurate and up-to-date.
5. It is important, however, to recognise situations which might give rise to a conflict of interests. A real or apparent conflict of interests may arise where you have any interest or duty which might affect or influence, or which might be perceived as capable of affecting or influencing, your duties and responsibilities as a member of the Authority or one of its committees (or the decision to be taken by the Authority or committee).
6. The conflict might exist because:-
 - your financial affairs;
 - another relationship or role that you have; or
 - something you have said or done,

could be viewed as an influence upon your participation in the determination of the matter in question before the Authority or committee, and that influence could

run counter to the interests and considerations that the Authority, as a public body with defined statutory duties, is required to take into account.

7. Examples of interests which may conflict with your duties and responsibilities as a member of the Authority or one of its committees include:-
 - holding another public office;
 - being an employee, advisor, director or partner of another organization;
 - pursuing a business opportunity;
 - being a member of a society or association;
 - having a professional or legal obligation to someone else (such as being a trustee);
 - owning (or having a beneficial interest in) investments or assets;
 - having received a gift, hospitality or other benefit;
 - holding or expressing strong political or personal views that may indicate prejudice or pre-determination for or against a person or issue; or
 - being a relative or close friend of someone who has one of the interests listed above (or who could otherwise be personally affected by a decision of the committee).
8. The most useful test is to ask yourself whether a reasonable outside observer would think that there was a real possibility of your personal interests compromising your work on the Authority or committee. In these matters, being seen to do the right thing, is as important as actually doing the right thing.
9. No-one should use, or give the appearance of using, their public position to further their private interests. Therefore, if a matter in which you have an interest arises during the meeting, you should declare to that meeting that you have an interest in the matter, before that matter is discussed. You should ask the committee secretary to record your declaration in the minutes of the meeting.
10. It is the responsibility of the Chair to remind all members at the start of each meeting to declare if any item on the agenda is likely to give rise to a conflict of interest. Any member of the Authority or committee may draw the attention of the Chair to such an issue concerning another member.
11. All potential conflicts of interest should be identified before the Authority or committee begins to consider a matter, and wherever possible, you should notify potential conflicts to the Chair or committee secretary well in advance of the meeting.
12. If you have declared a potential conflict of interest before or at the start of the meeting, you should leave the room when that item on the agenda is reached, in order to allow the Chair and the other members to decide whether an actual or apparent conflict exists.

13. If you are the Chair, then you should ask another member to chair that item of the agenda, and to take the decision on whether you should be allowed to participate in that item, and you should leave the room whilst that decision is made.
14. Where an interest has been declared, it is the responsibility of the Chair to decide whether an actual or apparent conflict exists. This needs to be considered on a case-by-case basis. Even an apparent conflict of interest on the part of a member may be extremely damaging to the reputation of the Authority, and it is therefore important that these are declared and explored in the same way that an actual conflict would be.
15. In considering whether there is an actual or apparent conflict, the chair must focus on what the member's other interest has to do with the particular matter being considered by the Authority or committee.
16. The Chair needs to weigh the seriousness of the connection between the interests; the risk that the capacity of the Authority or committee to make decisions lawfully and fairly may be compromised; and the risk that public trust and confidence in the committee (and in the Authority) may be undermined.
17. Where a member has a financial interest in the outcome of the decision to be made by the Authority or committee, or has a personal connection with a party who will be affected by that decision, as a general rule there is no need to show that the member would actually be influenced by such considerations. The suspicion of the public that he may be influenced, even if unconsciously, are reasonable and cannot be allayed; the member must not take part in any discussion or decision making concerning that item.
18. In other cases, the Chair should consider whether the fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that the interest of the member might influence or affect his participation in the consideration by the Authority or committee of the particular matter in question.
19. Where necessary, the Chair should consider adjourning and obtaining legal advice. To minimise disruption to the business of the Authority or the committee, you should make every effort to identify potential conflicts in advance.
20. In the interests of openness and fairness, it is always safer to err on the side of caution.
21. Where the Chair decides that an actual or apparent conflict exists, the member must not express any opinion or participate in the discussion or decision of that item on the agenda, and should be asked to remain outside the meeting until the item has been dealt with by the Authority or committee.

ANNEX 1-THE SEVEN PRINCIPLES UNDERPINNING PUBLIC LIFE

Selflessness	Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or other friends.
Integrity	Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
Objectivity	In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
Accountability	Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office
Openness	Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
Honesty	Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
Leadership	Holders of public office should promote and support these principles by leadership and example.

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