

The Mountaineering Council of Scotland

Declaration of Interests - Code of Practice

1.0 Purpose

The Declaration of Interests Code of Practice is an internal requirement which applies to employees, and to volunteers who choose to participate in MCofS committee and other work.

The term “post holder” refers to MCofS staff, members of the Board and Executive, and to all co-opted members of specialist committees.

The MCofS starts from the position of trusting the integrity and professionalism of post holders. Post holders are expected to act in the best interests of the MCofS at all times. There will, however, be occasions when a post holder has more than one legitimate interest. Such interests may conflict with those of the MCofS. In order to protect themselves and the MCofS, a post holder should always declare a conflict of interest.

2.0 Defining Conflicts of Interest

Conflicts of interest arise when the interests of post holders (their own, their family, friends or other organisations with which they are involved) are incompatible with, likely to benefit directly from, or in competition with, the interests of the MCofS. Such situations present a risk that post holders could make decisions based on these external influences, rather than the best interests of the MCofS, or that others, perhaps outside the MCofS (such as the press) could allege that post holders might have made decisions based on their external interests or influences.

Conflicts of interest may come in a number of different forms:

- Direct financial gain or benefit, such as
 - i. payment to a committee member, director or elected post holder for services provided to the MCofS – such as professional services without prior recourse to a competitive tendering process
 - ii. the award of a contract or benefit to another organisation in which a post holder has an interest
 - iii. sale of property at below the market value to a post holder
- Indirect financial gain, such as employment by the MCofS of, or awarding a contract to, a partner or relative of a post holder.
- Non-financial or personal conflicts where post holders receive no financial benefit but may be influenced by external factors – such as awarding contracts to friends.
- Conflict of loyalties, such as where a committee member, director or elected post holder is also employed or appointed by a local authority or one of the MCofS’s funders, or where a friend, partner, or relative is employed by MCofS.

3.0 Dangers of Conflicts of Interests

There are circumstances when possible conflicts of interest could arise that might give rise to any of the following:

- giving the impression that MCofS has acted improperly
- impacting negatively on the reputation of MCofS or individuals by attracting adverse publicity
- prejudicing effective decision making or inhibiting free discussion

This code of practice is designed to prevent this happening. The most important point to remember is that post holders should always disclose an activity if they are in any doubt whether it represents a conflict of interest.

4.0 Declaring Conflicts of Interests

The first point of disclosure is the Register of Interests Form on the final page of this code of practice. The form should be completed annually in January and returned to the Senior Officer of the MCofS within 7 days of issue. The Senior Officer will maintain a register of interests from completed forms. This will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. The Company Secretary will maintain a Register of Director's Interests.

The second point of declaration is at the start of each committee meeting. Each Board, Executive and committee meeting agenda should contain a standing item for the declaration of interests that may be relevant to the business to be discussed at the meeting. Those who are aware there is a conflict of interest should take this opportunity to make known that there is a possible conflict. This will help to ensure transparency and avoid any accusations of impropriety.

If a conflict of interest is declared at a meeting the person, or persons, concerned may take part in discussion relating to the area under consideration providing:

- attention has been drawn to the post holder's "other interest" that results in the conflict of interest arising
- any information gained during the discussions could not be used to advantage the post holder's "other interest". If privileged and preferential information could be gained during the discussions then the post holder must withdraw from the meeting for the duration of the relevant discussion

Additionally, a post holder with a declared conflict of interest must not be part of the decision making, or any voting, process on the issue concerned and so must withdraw when this is being undertaken. Those who withdraw from the decision-making process cease to count for quorum purposes.

5.0 Managing Contracts

Post holders may not be involved in managing or monitoring a contract on behalf of, or for, the MCofS in which they have an interest.

David Gibson
Senior Officer

Approved by the Executive 13 March 2008

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Register of Interests Form

Post holders shall enter in the following Register of Interests any of his or her own or immediate family's interests, current or expired within the past five years, that might be seen as creating a possible conflict of interest with their position within the MCofS and any pecuniary or business decisions made by the MCofS.

Self or immediate family member (name)	Name of other organisation	Nature of involvement or interest	Current or expired

If you have no interests to declare please tick the following box:

I confirm I have no interests to declare

Print Name:

Signed:

Date:
