

Definitions

Except in a heading, a term used as stated below is shown with capitalised initial letters.

Regulations: MYA rules, class rules, regulations, codes, and policies as may be published by Council from time to time.

Officer: An Executive Officer, a District Councillor, a Non-executive Officer, or an Honorary Officer.

Official: An Officer, a Trustee, a member of an MYA committee, sub-committee, or working party, or any person providing paid or voluntary services to, for, or on behalf of the MYA.

MYA Code of Conduct

This code sets out the standards of behaviour expected of MYA Officials. The code incorporates the Nolan principles of standards in public life, aiming for the highest standards of propriety and action in the best interests of the MYA.

Equality and diversity

Officials' behaviour and attitudes will be consistent with the values of the MYA and with the MYA equality and diversity strategy.

Respect

Officials will treat each other, and others they meet when working in their MYA role, with respect and courtesy at all times.

Commitment

Officials will devote sufficient time preparing for and attending meetings to ensure they add value to the MYA's work.

No personal benefit

Officials will not benefit from their position beyond what is allowed by law and what is in the interests of the MYA and will not take or support decisions in order to gain financial or other material benefits for themselves, their family, or their friends.

Conflicts of interest

Officials will identify and promptly declare any actual or potential conflicts of interest according to the methods set out in the Appendix to this Regulation. This Appendix identifies what steps will be taken to manage any conflicts of interest that exist.

Subjudice withdrawal

Officials will withdraw from their role if they, or anyone they are connected to, is a party to disciplinary, grievance, or appeal procedures, and will only resume their role upon completion of such procedures.

Probity

Officials will comply with MYA Regulations including those relating to the acceptance of gifts and hospitality. Officials will avoid activities which conflict with or compromise the MYA's policies, aims, principles, or values.

Openness and accountability

Officials will be open, responsive, and accountable to each other and MYA stakeholders about their decisions, actions, and work, including any use of MYA resources.

Disclosure

Officials will disclose anything in their past which could bring the MYA into disrepute or which could conflict with or compromise the MYA's policies, aims, principles, or values. Such matters include, but are not limited to, removal from any previous governance role or membership of any organisation, conviction for any offence in a court of law, undischarged bankruptcy.

Confidentiality

Officials will respect and maintain the confidentiality of matters designated as such.

Integrity

Officials will use their knowledge, expertise, and experience to take the best decisions they can in the interests of the MYA.

Leadership

Officials will support the principles of the code of conduct by leadership and example.

Individual conviction

Officials will act in their individual MYA capacity and not in the service of any external group, organisation, or individual.

Joint and several responsibility

Where enfranchised, Officials will accept equal responsibility for decisions made or taken.

Appendix to Regulation 3 - Conflicts of Interest

This Appendix sets out the procedures for identifying and managing conflicts and potential conflicts of interests or duty (called “Conflicts” in this Appendix) affecting an Official and is supplemental to the provisions set out in the MYA Regulations 3 – Council Conduct and words in this Appendix shall have the meaning set out in that Regulation.

Officials have an obligation to act in the best interests of the MYA and in accordance with its Constitution and Regulations. They are expected to act impartially and objectively and to actively take steps to avoid Conflicts.

Conflicts matter because they affect discussions and decision-making and may result in decisions being reached that are not in the best interests of the MYA. They can give the impression – both internally and to the wider public – that improper conduct has occurred even when it has not.

Conflicts come in a number of different forms. It is primarily the responsibility of each Official to identify if there is a Conflict or potential Conflict that may affect them, or someone connected to them.

This is not intended to adversely affect normal decision making within the MYA. It is intended to make it more transparent and to allow the management of Conflicts that will inevitably arise. It is important that management of a Conflict is proportionate to the risk that it poses to the best interests of the MYA.

Identifying a Conflict

There are two types of Conflict:

A conflict of interests – this is where an Official has an interest personal to them (which may be financial or non-financial) which conflicts, or may conflict, with the best interests of the MYA.

A conflict of duties – this is where an Official owes a duty to another body (such as being an employee, elected official, shareholder, trustee etc.) that conflicts, or may conflict, with their duties to act in the best interests of the MYA. This type of conflict does not have to be personal or financial to the Official. A conflict of duties can also be described as a conflict of loyalties.

Connected Persons

A Conflict can still arise if it involves a payment or benefit being given to a third party connected to the Official in question. A “Connected Person” is:

- (a) any parent, grandparent, child, stepchild, grandchild, brother, sister or spouse of an Official or any person living with the Official as his or her partner;
- (b) a firm, company or association in which the Official is a partner, officer, employee, consultant, director, member or shareholder (unless the Official owns no more than 1% of the issued shares on a recognised stock exchange);
- (c) a firm or company in which an individual listed in (a) above is connected in the ways set out in (b).

Appendix to Regulation 3

If a Conflict or potential Conflict exists, it must be declared by the Official and managed as set out in this Appendix.

Any doubt as to whether certain facts or circumstances may give rise to a Conflict should be resolved in favour of declaring those facts or circumstances.

Declarations of interests

Before appointment, Officials must declare their interests on the declaration of interests form found on the MYA website. In particular, this declaration must include:

- a) Directorships, partnerships and employments with MYA Clubs, Class Associations, Continental Associations, the IRSA, World Sailing, The Royal Yachting Association (RYA) or businesses that are engaged in the sport of sailing or model sailing or derive any substantial portion of their revenue from sailing or model sailing;
- b) Any office held with a World Sailing Class Association, IRSA Class Association, Continental Association, MYA Club or RYA, and any other national or international sailing or sporting bodies;
- c) Trusteeships or board positions with, MYA Clubs, Class Associations, Continental Associations, IRSA, World Sailing, RYA or institutions or charities that are engaged in the sport of sailing or derive any substantial portion of their revenue from sailing; and
- d) Any material interests arising from close family or personal relationships with another Official in the MYA.

The Secretary to Council will use the information in the declarations to maintain an up-to-date Register of Interests which will be posted on the MYA website. The information provided in any declarations of interest will be processed in accordance with the data protection principles as set out in the UK Data Protection Act 1998. The information provided will not be used for any other purpose by the MYA.

Officials must update their declarations as soon as possible following any change in circumstances and, in any event, must re-submit them not later than 14 days before the Annual General Meeting each year.

At Council or any other meetings, an Official is required by this Appendix to declare to the Chair and the Secretary to Council the nature and extent of any potential or actual Conflicts he may have in the proposed business of the meeting. In particular, this includes declaring any interests he or any Connected Person may have in any existing or proposed transactions or arrangements with the MYA. This procedure applies also to any email votes or other electronic discussions.

Managing conflicts of interest

If an Official has a Conflict, then a decision must be made as to how to manage it. This decision will be made by:

- (a) the President for (Conflicts relevant to members of Council); or
- (b) the Chair of the meeting at which the Conflict becomes relevant;
- (c) in all other cases, the Chair of the MYA or, where they exist, the Chair of the relevant District to which the Conflict is relevant.

If the President has a relevant Conflict, then the Chair of the MYA will make the decision.

An Official is required to give the decision-maker any additional information asked for in order to determine how the conflict is to be managed.

Appendix to Regulation 3

The decision-maker may decide that the Official:

- a) Can continue to participate in the normal way with the interest being minuted;
- b) Shall not participate in the proceedings and shall abstain from any vote: or
- c) Is to withdraw for the whole or part of the affected proceedings.

This Appendix is based on the World Sailing “Conflicts of Interest” Policy.