

GUIDANCE ON MANAGING CONFLICTS OF INTERESTS AND LOBBYING

GENERAL

1. This guidance applies to ASA/CAP staff, members of the ASA Councils, the ASA Chairman, the Independent Reviewer of ASA Adjudications and the CAP/BCAP Chairman, henceforth referred to as 'members'.
2. This guidance is intended to protect the ASA from the reputational damage that would arise if it acted partially, or was perceived to have acted partially. It is also intended to provide members with a clear steer on acceptable and unacceptable practice.
3. The ASA seeks to act with complete independence and integrity. All members have a duty to maintain that impartiality, doing nothing that might compromise, or might reasonably appear to compromise, the ASA's independence.
4. In particular, the ASA must behave fairly and impartially, avoiding bias, i.e. an attitude of mind which, whether consciously or unconsciously, prevents a decision-maker from making an objective determination of the issues he or she has to resolve.
5. The ASA respects the Nolan Principles of Public Life¹, viz Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

REGISTER OF INTERESTS

6. The ASA Council maintains a Register of Interests (Appendix A) that is available for inspection on application to the Company Secretary, The Advertising Standards Authority Ltd., Mid City Place, 71 High Holborn, London WC1V 6QT.

CONFLICTS OF INTERESTS

7. Members should be impartial and should take all reasonable steps to minimise the likelihood that their actions or conduct including statements made in public or private that could reasonably be attributed to them and interpreted to be their position on any given matter will be perceived to be partial.
8. Notwithstanding any entry in the Register of Interests, members should not take part in discussion of, or vote or comment on, any matter in which he or she² is deemed to be partial

¹ See Appendix B

² Includes spouses/partners, minor children and those living at the same address.

and/or has a direct or indirect pecuniary interest³, whether at a Council meeting or otherwise. Partiality and interests which should be declared are not only financial ones but those which involve some material benefit to either party. Personal friendships, other than mere acquaintances, may constitute a connection. If in doubt, members are advised to declare the connection in order to give the Executive the opportunity to determine an appropriate response. In such circumstances, the member should make a specific declaration of interest on each and every occasion.

9. At a Council meeting, any member who is not impartial or who has a direct pecuniary interest should withdraw from the meeting for the duration of that item of business.

10. Any member with a significant non-pecuniary interest⁴ should declare it and, if in any doubt, seek the guidance of the Chair/Chief Executive as to whether or not he/she should participate in the consideration of the matter. A non-pecuniary interest should not rule out participation in the consideration of business unless it is significant.

11. When there is a vote following comment, a member who is not impartial or who has a direct or non-direct pecuniary conflict of interest should declare it and take no part. A member with a significant non-pecuniary interest specifically declared at the comment stage, should not take part in any subsequent vote or discussion.

LOBBYING

12. Members should be alert to the possibility that they may be lobbied by parties, interested or not, in the course of the ASA's decision making process. Members must take all reasonable steps to protect their own and the ASA's reputation.

13. If lobbied, members should not engage in any discussion on the merits or otherwise of an issue or case. It might be acceptable to give basic information on a very general level, for example about the likely timetable of the case or issue, but members should not divulge any information that could prejudice the outcome of the case or the issue. If in doubt, members should contact the Head of Investigations, in the first instance, for advice.

14. As soon as practicable after being lobbied, members should report to the Head of Investigations the fact that they have been lobbied, together with the identity of the party who lobbied them.

15. In addition, members should report the fact that they have been lobbied to Council at the first opportunity, for example by commenting on Council Online or at the next available Council meeting.

3 Indirect pecuniary interests may arise from connections with bodies which have a direct pecuniary interest or from being a business partner of, or being employed by, a person with such an interest.

4 Non-pecuniary interests may include those arising from membership of clubs and other organisations. Their significance must be judged on a case by case basis and the final decision is the Chair's.

16. In the event that a member has, inadvertently, been drawn into discussing the merits or otherwise of a case or issue and on reflection feels that their position may have been compromised, that member must notify the Head of Investigations immediately. The member should discuss with the ASA Chairman whether or not they are conflicted and should take no part in the decision-making process for that case or issue.

APPENDIX A

REGISTER OF INTERESTS

<i>Member's Name:</i>		
<i>Advertising/Independent (delete as appropriate)</i>		
		<i>Details</i>
<i>Pecuniary interests</i>	<i>Employment</i>	
	<i>Directorships</i>	
	<i>Significant shareholdings (over 5% of issued share capital)</i>	
	<i>Other significant pecuniary interests</i>	
<i>Non-pecuniary interests</i>	<i>Membership of public bodies</i>	
	<i>Office bearing in charitable bodies</i>	
	<i>Unpaid work</i>	
	<i>Other significant non- pecuniary interests</i>	

*The Seven Principles of Public Life*¹

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to 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.

*These principles apply to all aspects of public life.
The Committee has set them out here for the benefit of all who serve the public in any way.*

¹ First Report of the Committee on Standards in Public Life, May 1995 (the Nolan Committee)