CONFLICT OF INTERIST POLICY TEMPLATE

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## 1

# Aim of the policy

CONFLICT OF INTEREST POLICY

This policy applies to (name of your organisation)Staff and Trustees. Trustees and employees have a legal obligation to act in the best interests of (name of your organisation). They should not act in order to gain financial or other material benefit for themselves, their family, their friends, their business connections or any other organisation they are a member of or represent.

Conflicts of interest may arise where an individual’s personal, family or business interests and/or organisational loyalties conflict with those of (name of your organisation). Such conflicts may create problems; for example, they can:

* Inhibit free discussion
* Result in decisions or actions that are not in the interests of (name of your organisation)
* Risk giving the impression that (name of your organisation)has acted improperly

The aim of this policy is to protect both the organisation and the individuals from any appearance of impropriety.

# Declaration of Interests

On the form in Appendix 1 Staff and Trustees must make relevant declarations of interest at the time of their appointment and whenever their circumstances change. These interests will be recorded by the (name of your organisation)Administrator in a register of interests, to be updated at least annually and when any changes occur.

**Staff Contract**

Issues of Conflict of Interest are covered under 2 areas in the staff contract.

Section 22 - Confidentiality and GDPR, which clearly states that all information received as part of employment must be treated as confidential.

**Section 25 – Other Work; states “**(name of your organisation)operates a wider register of other interests by staff and trustees. A declaration of interests form must be completed at time of appointment, updating whenever circumstances changed and you should inform the Chief Executive in writing of any such changes. The full Register of Interests will be updated at least annually. It is your responsibility to ensure that you comply with the Working Times Directive 1988; further details are in the Conflict of Interest Policy.

Where (name of your organisation)reasonably believes that such employment will have an adverse effect on Ealing CVS or your ability to undertake this job or your health (name of your organisation)may require you to cease such employment or reduce the hours worked.”

# GDPR

The information provided will be processed in accordance with GDPR principles as set out in the GDPR 2018. The register of interests will be available for inspection by Staff, Trustees and (name of your organisation)auditors.

# Conflicts of Interest

All declarations of a conflict or a potential conflict of interest should be made at Trustee Board meetings and, where appropriate, at other meetings attended by staff or trustees.

Potential conflicts of interest include:

Financial interests: Staff and Trustees should declare any financial interests which conflict with those of the organisation, either personally or through family or business connections, or any financial interest in a matter under discussion.

Duality of interest: Conflicts can also arise between a person’s duty to (name of your organisation)and membership or trusteeship of another organisation or other public obligation, i.e. the person may have divided loyalties but does not stand to gain financially. Where such duality exists, the person should declare it and is expected to act in the best interests of (name of your organisation)

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* If the Trustee is appointed by, represents, or is a member of another body, he/she should state when a conflict of interest has arisen between their roles and then not be further involved in decisions regarding the issue. If a member of Staff is also employed by or is a Trustee of another organisation, he/she must remember their duty is to (name of your organisation)while undertaking any meeting or work in relation to their employment with (name of your organisation)and it is made clear to any partners that there is no duality unless specifically agreed with the Chief Executive.

Service users: If a member of Staff or Trustee, or an organisation of which he/she is a member, is a user of (name of your organisation)services he/she should not be involved in decisions that directly affect the level of service received. He/she may, however, participate in discussions from which they may indirectly benefit, for example where the benefits are universal to all users, or where the Staff or Trustee benefit is minimal.

# Procedures

Where such conflicts of interest exist or may exist, the member of Staff or Trustee is required to declare a conflict of interest by specifically notifying any such interest at the start of any meeting or project where they are required to make a decision which affects or may affect their personal interest, and by taking no part in the discussion and/or vote. If the conflict is sufficiently serious or is likely to be prolonged, the member of Staff or Trustee concerned may have to leave the room while that item of business is being discussed, or even resign his/her trusteeship (or a conflicting office).

If a member of Staff or Trustee fails to declare an interest that is known to the Chair or Chief Executive, they will be asked to declare that interest.

Non declaration by a Trustee will result in the trustee being asked to either resign their (name of your organisation)role or the conflicting role.

Non declaration by a member of staff will be considered a breach of contract and dealt with under the Ealing CVS Disciplinary Policy.

# Decisions taken at Board meetings where a Trustee has an interest

In the event of the Board having to decide upon a question in which a Trustee has an interest, all decisions will be made by vote, with a simple majority. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate. Interested board members may not vote on matters affecting their own interests.

All such decisions will be reported in the minutes of the meeting, indicating:

* The nature and extent of the conflict
* An outline of the discussion
* The actions taken to manage the conflict

Where a trustee benefits from a decision, this will be reported in the annual report and accounts in accordance with SORP regulations. This includes grants awarded to any other voluntary/ community organisation of which the Trustee is a committee member.

A Trustee must not be involved in managing or monitoring a contract or agreement in which they have an interest.

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# Meetings other than Board Meetings

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Trustees or Staff may occasionally sit on panels awarding grants or funding to local organisations (either co- ordinated by (name of your organisation)or at invitation of other bodies). Trustees or Staff should declare an interest and not take part in discussion or voting in relation to any funding application or grant award to:

* (name of your organisation)itself
* Any other organisation which the Trustee, or a close family member, is involved in as a trustee, director or management committee member
* Any other organisation where the Trustee is aware that another (name of your organisation) Trustee is a trustee, director or management committee member

# Project work

Staff may at times undertake projects which possibly bring them into conflict due to other employment, trusteeship or voluntary roles. Any possible conflict must be discussed with their line manager at the beginning of the project and mitigating arrangements agreed. If this does not happen and a conflict of interest is discovered at a later date this will be dealt with under the (name of your organisation)disciplinary policy.

# Gifts and Hospitality

Trustees and Staff should not accept substantial gifts or hospitality in relation to their role at (name of your organisation)without prior consent of the Chair. Offers of gifts or hospitality from external bodies, and whether these were declined or accepted, should be reported at each Board meeting and noted in the minutes.

# Situations where interest may be unclear

If a Trustee or member of Staff declares an interest which does not, in the opinion of a clear majority of the rest of the members of the Board or meeting attendees, create a conflict but which might cause others to think that it could influence their decision, the Trustee or member of Staff may take part in the discussion and vote if he/she and the other trustees feel this to be appropriate. Trustees must remember their overriding duty to avoid conflict of interest and to act not in their own interests but in the interests of (name of your organisation) as a whole and of all its present and future beneficiaries.

If there is any doubt about any aspect of this Policy, Trustees should consult the Chair, Vice-Chair or Chief Executive at the earliest opportunity.

# Review

These procedures will be reviewed by the (name of your organisation)Board of Trustees every three years, after consultation with employees or to accommodate alterations to current legislation, reforms or Employment Law.