



## CONFLICT OF INTERESTS POLICY & PROCEDURES

### Principles and Definitions:

#### 1. Conflict of Interests:

- a. What is a conflict of interest and what issues does it raise?
  - 1) Employees, volunteers and trustees should all put the interests of the charity first.
  - 2) A conflict of interests may arise where the objectives of the organisation and the interests and loyalties of trustees, employees or volunteers do not coincide or appear to clash.
  - 3) A code of conduct makes the charity's intentions clear and provides guidance on what standards of behaviour are expected. This policy and proceedings should be reviewed annually or as the need arises.
  - 4) Neither employees, volunteers, trustees nor their friends and family, should be favoured especially in terms of service, employment or funding.
  - 5) Trustees, staff and volunteers have a legal obligation to act in the best interests of the charity, and in accordance with its governing document.
  - 6) Such conflicts may create problems; they can:
    - i. inhibit free discussion;
    - ii. result in decisions or actions that are not in the interests of the charity and risk the impression that the charity has acted improperly.
  - 7) Even the appearance of a conflict of interest can damage the charity's reputation, so conflicts need to be managed carefully and with transparency.
  - 8) **The aim of this policy** is to protect both the organisation and the individuals involved from any appearance of impropriety.



b. What does the law say about conflicts of interest regarding trustees?

- 1) The law states that trustees cannot receive any benefit from their charity in return for any service they provide to the charity unless they have express legal authority to do so. This legal authority will come either from a clause in the charity's governing document or, where there is no adequate clause in the governing document, from the Charity Commission or the Court.
- 2) It is acceptable to repay reasonable "out of pocket expenses" to trustees.
- 3) Any costs that are necessary to allow a trustee to carry out his or her duties as a trustee can be classed as expenses and recovered from the charity or met directly by the charity. This may include travel costs and the cost of providing care for a dependent whilst attending a trustee meeting or when undertaking trustee business.

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

- 1) Direct financial gain or benefit to the trustee, such as:
  - i. Payment to a trustee for services provided to the charity;
  - ii. The award of a contract to another organisation in which a trustee has an interest and from which a trustee will receive a financial benefit;
  - iii. The employment of a trustee in a separate post within the charity, even when the trustee has resigned in order to take up the employment.
- 2) Indirect financial gain, such as:
  - i. Employment by the charity of a relation or friend of a trustee;
  - ii. External funding for personal interests or loyalties
- 3) Non-financial gain, such as:
  - i. When a user of the charity's services is also a trustee



## 1. **Policy:**

- a. Trustees and senior staff should declare their interests in connection with their role in the Let's Play Project.
- b. A declaration of interests form is provided for this purpose, listing the types of interest which should be declared. (**See Appendix A**).
- c. Failure to declare an interest could justify disciplinary action.
- d. This declaration should be updated at least annually and also when any changes occur.
- e. If unsure of what to declare, or whether/when an individual's declaration needs to be updated, then erring on the side of caution is advised.

**Note:** If a person wishes to discuss this issue, the Let's Play secretary will give confidential guidance.

- f. Interests will be recorded on the Let's Play Register of Interests, which will be maintained by the Let's Play secretary.
- g. The register will be accessible to members and statutory bodies on request.

### h. **Data Protection:**

- 1) The information provided will be processed in accordance with Data Protection principles as set out in the Data Protection Act 1998.
- 2) Data will be processed only to ensure that Trustees and senior staff act in the best interests of Lets Play Project.
- 3) The information provided will not be used for any other purpose.



## 2. Procedures:

### a. Decisions taken where a trustee or member of staff has an interest:

- 1) In the event of the Board of Trustees of Let's Play having to decide upon a question in which a trustee or member of staff or volunteer has an interest, all decisions will be made by vote.
- 2) A quorum must be present for the discussion and decision.
- 3) Interested parties will not be counted when deciding whether the meeting is quorate.
- 4) Interested board members may not vote on matters affecting their own interests.
- 5) All decisions under a conflict of interest will be recorded by the Let's Play secretary and reported in the minutes of the meeting. The report will record:
  - i. the nature and extent of the conflict;
  - ii. an outline of the discussion;
  - iii. the actions taken to manage the conflict.

### b. Managing contracts/applying for funding:

- 1) Any trustee who has a financial interest in a matter under discussion should declare the nature of their interest and withdraw from the room, unless they have a dispensation to speak.
- 2) If a trustee has any interest in the matter under discussion, which creates a real danger of bias, that is, the interest affects their, or a member of their family or household, more than the generality affected by the decision should declare the nature of the interest and withdraw from the room, unless they have a dispensation to speak.
- 3) If a trustee has any other interest which does not create a real danger of bias, but which might reasonably cause others to think it could influence their decision, they should declare the nature of the interest, but may remain in the room, participate in the discussion, and vote if they wish.
- 4) Any member of staff or volunteer who also has such conflicts of interest when applying for funding or contracts should also declare interest and the matter be discussed as above with the management committee.

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- 5) If in any doubt about the application of these rules they should consult with the chair. It is recommended that trustee's interests are listed in a register.

c. What to do if you face a conflict of interest:

- 1) If you are a carer of someone who uses Let's Play's services, you should not be involved in decisions that directly affect the service that you, or the person you care for, receives.
- 2) You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if you face a conflict for any other reason.
- 3) You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal.
- 4) If you fail to declare an interest that is known to the Let's Play charity secretary and/or the chair then the secretary or chair will declare that interest.



**Appendix A:**

**Declaration of Interests Form**

I (name) \_\_\_\_\_

As employee/trustee (delete as appropriate) of the Lets Play Project have set out below my interests in accordance with the organisation’s Conflicts of Interests Policy (PP17).

Signed:----- Date:-----

Category	Please give details of the interest and whether it applies to yourself or where appropriate a member of your immediate family or some other close personal connection
Current employment and any previous employment in which you continue to have a financial interest.	
Appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals etc.	
Membership of any professional bodies, special interest groups or mutual support organisations.	
Investments in unlisted companies, partnerships and other forms of business, major shareholdings (more than 5% of issued capital) and beneficial interests.	
Gifts or hospitality offered to you by external bodies and whether this was declined or accepted in the last twelve months.	
Do you use, or care for a user of Let's Play's services?	
Any contractual relationship with Let's Play?	
Any other conflicts that are not covered by the above?	