02. Conflict of Interest Policy

This policy applies to trustees and the management committee of Woking Strokeability, i.e. management. It specifically covers the following positions:

- Chairman
- Deputy Chairman
- Treasurer
- Secretary

and

- all Trustees

Why we have a policy

Trustees have a legal obligation to act in the best interests of Woking Strokeability and in accordance with the constitution, and to avoid situations where there may be a potential conflict of interest. Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of Woking Strokeability. Such conflicts may create problems; they can:

- inhibit free discussion
- result in decisions or actions that are not in the interests of Woking Strokeability
- risk the impression that Woking Strokeability has acted improperly.

It should be noted that the Charity Commission expects trustees to have a standard agenda item at the beginning of each trustee meeting to declare any actual or potential conflicts of interest.

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

Policy Derivation

This policy has been derived from guidance provided by:

- Charity Commission - Conflicts of interest: a guide for charity trustees, CC29
  - link to CC29
- Institute of Chartered Secretaries and Administrators - Specimen conflict of interest policy, declaration form and register of interests for charity trustees
  - Specimen conflict of interest policy

Both documents are available on line with a local reference copy off line and can be consulted to provide details of legal requirements and general best practice.

What is a conflict of interest?

A conflict of interest is any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent the trustee from making a decision only in the best interests of the charity.

Key points about identifying conflicts of interest

- A conflict of interest exists where there is the possibility that a trustee's personal or wider interests could influence the trustee's decision-making.

- Even the perception that there is a conflict of interest can damage a charity. Where the perception is not accurate because there is no conflict of interest, management should always be able to respond appropriately to the situation by managing the risks to the charity and being prepared to explain how they have made their decisions only in the best interests of the charity.
- Conflicts of interest relate to a trustee's personal interests and the interests of those connected to them. This means that there is a conflict of interest where there is a proposed transaction between the charity and a connected person. Similarly, there is a conflict of interest where there is a benefit or a potential benefit to a connected person.

Declaration of Interests

Accordingly, management are asked to declare their interests, and any gifts or hospitality offered and received in connection with their role in Woking Strokeability. A Declaration of Interest form is provided for this purpose, see Appendix, listing the types of interest that should be declared.

- To be effective, the declaration of interests needs to be updated at least annually, and when any material changes occur.

If any member of management is not sure what to declare, or whether/when a declaration needs to be updated, err on the side of caution. Any issue can be discussed with the charity Secretary or Chairman for confidential guidance.

All recorded interests and gifts or hospitality of a value over £20 received by management will be recorded on Woking Strokeability's Register of Interests, see Appendix. This register will be maintained by the charity secretary and will be accessible by any member on request.

Data protection

Information provided will be processed in accordance with data protection principles as set out in legislation. Data will be processed only to ensure that management act in the best interests of Woking Strokeability. The information provided will not be used for any other purpose.

What to do if when a conflict of interest arises

If a member of management believes they have a perceived or real conflict of interest they should:

- declare the interest at the earliest opportunity
- withdraw from discussions and decisions relating to the conflict.

The Charity Secretary should take particular care to ensure that minutes or other documents relating to the item presenting a conflict are appropriately redacted for the person facing the conflict. A balance needs to be made to ensure that the person still receives sufficient information about the activities of the charity generally without disclosing such sensitive information that could place the individual in an untenable position.

If the member of management is a user of Woking Strokeability's services, or the carer of someone who uses its services, the member should not be involved in decisions that directly affect the service that the member, or the person cared for, receives. That member should declare interest at the earliest opportunity and withdraw from any subsequent discussion, unless expressly invited to remain in order to provide information.

In this case, that member may not participate in, or influence, the decision or any vote on the matter. That member will not be counted in the quorum for that part of the meeting and must withdraw from the meeting during any vote on the conflicted item.

However, the guidance states that there are situations where the member may participate in discussions from which they could indirectly benefit, for example where the benefits are universal to

all users, or where the members benefit is minimal. This action being agreed by the chair and minuted accordingly.

- It is recognised by Woking Strokeability that in normal circumstances one or more members of management will have an interest as a user or carer of a user of its services. An expression of interest will therefore only be specifically noted and minuted when the benefit is not universal or minimal.

Decisions taken where a member of staff management has an interest

In the event of management having to decide upon a question in which a member has an interest, all decisions will be made by vote, with a simple majority required. A quorum (50% or more of management) must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate.

Interested management members may not vote on matters affecting their own interests. All decisions under a conflict of interest will be recorded by the charity secretary and reported in the minutes of the meeting. The report will record:

- the nature and extent of the conflict
- an outline of the discussion
- the actions taken to manage the conflict.

Where a trustee benefits from the decision, this will be reported in the annual report. Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.

Managing contracts

If a member has a conflict of interest, they must not be involved in managing or monitoring a contract in which they have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

Dated: 18 January 2021

Appendix

Declaration of Interests Form

Woking Strokeability Register of Interests

02.1 Register of Trustee and Management Interests

Name of Trustee or Manager	Description of interest	Does the interest relate to the trustee/manager or a person closely connected to the trustee/manager (describe)?	Is the interest current?
Campbell Ford	Services user	Relates to self	Current
Ben Anthony	Services user	Relates to self	Current
Jenny White	Carer, Services user	Relates to husband	Current
Val Cunningham	None		
Tony Dawson	None		

Dated : 18 January 2021

02.2 Declaration of Interests

As a Trustee and / or manager of Woking Strokeability I have set out below my interests in accordance with the organisation's conflicts of interest policy.

Category	**Please give details of the interest and whether it applies to yourself or, where appropriate, a member of your immediate family, connected persons 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 [charities may set a figure here, e.g. more than 1% or 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 the organisation's services?	
Any contractual relationship with the charity or its subsidiary.	
Any other conflicts that are not covered by the above.	

To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.

Position, Signature & Date