



Managing Conflicts of Interest Policy

Introduction

This Conflicts of Interest policy applies across The Polehampton Charity (the Charity) in all of its activities. It addresses:

- Identifying conflicts of interest
- Preventing conflicts of interest from affecting decision making
- Recording of conflicts of interest

The consequences of not acting properly where there is a conflict of interest can be significant, both for the individual with the Charity, and for the Charity. These consequences can manifest in a number of ways:

- **Legal consequences** – Board of Trustees failure to act properly where there is a conflict of interest is a breach of the Trustee’s responsibilities.
- **Regulatory consequences** – where the Charity Commission or other regulators, as a result of concerns about misconduct or mismanagement, considers there to be a risk to charitable property.
- **Reputational consequences** – individuals outside of the Charity perceive those individuals within the Charity have acted in their own interests rather than in those of the Charity.

Identifying a Conflict of Interest

When considering a potential conflict, the individual should consider two questions:

- Do I have a conflict of interest in my position or in the current situation?
- Could someone reasonably perceive that I have a conflict of interest in my position or in the current position?

A conflict of interest exists when there is a possibility that an individual’s personal or wider interests could influence their decision-making. A conflict would normally arise where:

- There is a potential financial or measurable benefit directly to the individual; or indirectly through a connected person.
- An individual’s duty to the Charity may compete with a duty or loyalty they owe to another organisation or person.

In other words:

An actual, potential or perceived conflict of interest which arises when a responsibility, connection, relationship, activity, interests, or contractual or other arrangement outside of the Charity could be considered or perceived to influence an individual’s views and actions within the Charity.

A conflict of interest may be less evident – where an individual has a sense of loyalty to a group of members, supporters or particular applicant or beneficiary. This sense of loyalty may impact upon their ability to make a decision in the best interests of the Charity.

Preventing a Conflict of Interest affecting Decision-making

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Where an individual, be they a Trustee, contractor or volunteer, considers that they may have an actual or perceived conflict of interest, they then have a duty to:

- Discuss the actual or potentially perceivable conflict of interest with the appropriate person with the Charity.
- As soon as possible to declare formally any perceived, potential, or actual conflict of interest.
- To take such steps as the appropriate individual within the Charity may consider appropriate action, which may vary from declaration through to withdrawal from the decision-making process or removing the situation giving rise to the conflict.

The structure for discussion of such situations is as follows:

Who?	Appropriate Individual	Comments
Chair of Trustees	Chair of Finance & Administration	
Trustee	Chair of Trustees	Trustees should refer to the Articles of Association and also the Charity Commission publication CC29 .
Contractor	Chair of Trustees	

The principal guidance for Trustees is contained in the Articles of Association of the Charity and set out in this policy.

The way in which Trustees manage a conflict of interest, will, within the parameters set out in the Articles, be at the discretion of the Chair of Trustees who may consult with other Trustees and the Finance & Administration Sub-Committee for guidance as required.

Gifting – financial or other

Trustees and other related individuals may, from time to time, find themselves in a situation that may be perceived as a conflict of interest, such as:

- Gifts, financial or otherwise, from companies or individuals or providers which could be perceived as being linked to the awarding of business.
- Connections, either commercial or personal, with potential suppliers, contracts and others.

The [Anti-Bribery Policy](#) sets out requirements and guidance in relation to offers of gifts, financial or other.

What happens once the potential conflict has been shared

Once a potential conflict has been notified, the options available are:

- Enable the individual, having disclosed the conflict, to continue to be involved in the decision-making process and the related discussions.
- Exclude the individual from discussions and/or decision-making.

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- Permit the individual to be involved in discussions and/or the decision-making process but exclude them from some or all aspects of any ongoing relationship.

Record Keeping

The Charity should be aware of all potential situations and as a minimum should:

- Document the potential conflict of interest.
- Discuss the position with the relevant individual (as noted previously).

All Trustees and related individuals will complete a Declaration of Conflict-of-interest form provided by the Charity on an annual basis.

It is the responsibility of the Trustee or related individual to notify the Chair of Trustees or the Clerk to Trustees of any conflicts identified outside of that annual review. At each Board meeting the Chair of Trustees will ensure that Declarations of Conflict of Interest are a standing item on the Board meeting Agenda.

All declarations will be logged on the Charity's Register of Interests and updated by the Clerk to Trustees.

Monitoring and review of this policy

This policy is to be reviewed by the Board of Trustees using the annual monitoring and review cycle.

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