

St Margaret's Lee

Conflict of Interest policy

Introduction

The PCC of St Margaret's Lee is a body corporate under the powers of the Parochial Church Council (Powers) Measure 1956. It is registered as a charity with the Charity Commission. Its members are Trustees of the charity, who have a duty to promote and defend the best interests of the charity at all times in accordance with the Measure.

This policy covers how the PCC, and all its sub-committees, will manage the interests of its members and any conflict between them and the objects of the PCC.

It does not matter how a Trustee is appointed, whilst they are a member of the PCC they have a duty to the Parish and its PCC, the interests of which must take precedence. Conflicts of interest may arise where the interests of Trustees or "connected persons" (e.g. their family or close colleagues) are incompatible or in competition with the interests of the charity.

According to the Charity Commission 'a conflict of interest is any situation in which a Trustee's personal interests, or interests which they owe to another body, and those of the Charity arise simultaneously or appear to clash.'

Such clashes may create problems; they can:

- Inhibit free discussion
- Result in actions or decisions that are not in the interests of the charity
- Risk the impression that the charity has acted improperly.

What types of interests need to be declared?

There are many different types of conflict of interest; the three most common are:

- Direct Financial Conflict of Interest – This may arise where:
 - Trustee is employed by the charity, or act as a consultant or paid adviser.
 - The charity engages the services of a company where a Trustee is employed, is a director or shareholder.
 - Land is sold to or used by a Trustee.
 - Trustee grants loans to a charity.
- Indirect Financial Conflict of Interest – where financial benefits accrue to a close member of the Trustee's family, a friend, business partner, employer or colleague of a Trustee.
- Non-Financial Conflicts of Interest – where there may be a conflict of interest (often referred to as a conflict of duty or loyalty) should a Trustee have another appointment or be associated in some way with another agency or organisation operating in the same area of work as the Charity, or providing the Charity with services or grant funding.

In all the above situations it is up to the Trustee to determine whether his/her involvement in a matter relating to a third party represents a potential conflict of interest and should therefore be declared. If the Trustee is not sure what to declare, or whether and when a declaration needs to be updated, the Trustee should err on the side of caution.

How to Declare an Interest.

In the normal course of events, trustees would not be expected to receive gifts. This policy is designed to address the rare circumstances in which they may be offered.

Trustees are asked to declare their interests in addition to any gifts or hospitality received in connection with their role as Trustee in the Charity. Any offered gifts or hospitality with a value thought to be over £50 should be refused. A Declaration of Interests form is provided for this purpose via the PCC Secretary. The context of accepting a gift is relevant, for example, accepting a leaving gift of less than £50 in value would not give rise to a conflict of interest.

Interests should be declared at the beginning of a meeting when a relevant matter is on the agenda or as soon as the interest becomes apparent. There are four occasions when a Trustee's personal interests are likely to come into conflict with those of the charity and should be declared.

- At Their First Meeting: Every new Trustee will be asked to complete a Declaration of Interests Form.
- Annually: after each APCM and prior to the first subsequent PCC meeting, Trustees will be asked to review their Declaration of Interests Form and either update it or confirm that it is still correct.
- When any significant changes take place: New matters should not wait until an annual declaration is made before being notified. Trustees should notify the PCC Secretary of all changes or additions as soon as they are known to the Trustee.
- Verbally at any PCC meeting: where specific relevant conflicts or potential conflicts may arise. At the start of each PCC meeting the Chair will ask for any declarations relevant to the agenda to be made known. Trustees should also raise the matter during the course of the meeting as soon as a potential conflict arises.

If a Trustee fails to declare an interest that is known to the PCC Secretary and/or the Chair of the PCC meeting, the PCC Secretary or Chair will declare that interest.

Register of Interests

The Declaration of Interests form will be used as the basis for recording a Trustee's interests and gifts or hospitality received on the Charity's Register of Interests which is maintained by the PCC Secretary.

The information provided by Trustees will be processed in accordance with data protection principles as set out in the Data Protection 1998. Data will be held only to ensure that Trustees act in the best interests of the Charity. Information provided to the Charity will not be used for any other purpose.

Trustees naming a third party as a Connected Person on their declarations shall ensure that they have permission from that individual to pass personal data about that individual to the Charity. If there is a problem with obtaining consent please contact the PCC Secretary.

Procedure for dealing with conflicts of interest

Trustees should declare their interest at the earliest opportunity through the mechanisms identified earlier in the Policy.

Where conflicts of interest arise and the interest relates to a matter under discussion, the Trustee or the PCC itself must decide whether the interest:

- Category (a) - is trivial and does not create a real danger of conflict of interest or bias or the appearance of bias;
- Category (b) - does not create a real danger of conflict of interest or bias, but might reasonably cause others to think it could influence a decision;

- Category (c) - creates a real danger of conflict of interest or bias (that is, the interest affects him/her, or a person or business connected to him/her, more than the generality affected by the decision).

Generally, the PCC will deal with conflicts as follows. In the event that the interest falls into:

- Category (a), if the declared conflict is judged to be trivial by the other Trustees (who do not themselves have an interest in the matter), the Trustee may vote.
- Category (b,) it shall be at the discretion of the other Trustees (who do not themselves have an interest in the matter) whether the Trustee may remain in the meeting, but the Trustee must not participate in the discussion, or vote, on the matter.
- Category (c), the Trustee must leave the meeting, not participate in the discussion, or vote, on the matter.

The decision as to how the conflict of interest is to be dealt with must be set out in a resolution of the PCC. The resolution may require other steps to be taken, for example, requiring information to be kept confidential or other undertakings to be given by the Trustee.

Trustees and the PCC should endeavour to ensure that a Trustee with a conflict of interest under Category (c) is not provided with information in that capacity which enables him or her to obtain any advantage. In particular, the person who is responsible for sending information to the Trustees prior to a Trustee meeting should check the Register of Interests and take any other reasonable steps to ensure that no information is sent to a Trustee who may have a conflict of interest relating to that information.

Where a Trustee faces persistent or critical conflicts of interest, the PCC and he or she will need to consider their position as it may be more appropriate for them to resign under those circumstances, rather than face repeated instances of being required to withdraw from meetings and votes.

re-approved by PCC July 2024
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The Parish of St Margaret's Lee Declaration of Interest Form

I[[insert name].....have set out below my interests in accordance with the PCC's Conflict of Interest policy.

Category	Please give details of the Interest and whether it applies to yourself or a person connected with you.
Current employment and any previous employment in which the Trustee continues 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 companies, partnerships and other forms of business, major shareholdings, beneficial interests where these are felt to constitute a potential conflict of interests. (Investments where the Trustee holding constitutes not more than a hundredth of the capital of the company may generally be omitted)	
Any contractual relationship with the Charity	
Ownership of any property that could create a conflict of interest	
Any other conflicts that are not covered above where there could be perceived to be conflicts of interests.	
Any other people, organisations, companies or institutions with whom you are "connected" (under charity or company law), whom you have not already referred to on this form.	

Register of Gifts and Hospitality received in previous 12 months

Signed
Date