

Conflicts of Interest Policy

Background

This policy applies to all persons – Trustees, Members, Staff and Volunteers – involved with The Greek Orthodox Community of Bristol Charity (also referred to as “the Charity”).

What a Conflict of Interest is Not.

It's very common, even at the mention of a “Conflict of Interest”, for people to start thinking suspiciously of the individuals concerned having covert agendas for selfish gains.

There's nothing immoral or illegal in Conflicts of Interest *per se*. They are normal and inevitable in individuals and groups.

Impropriety and illegality only come in when what would otherwise be entirely legitimate Conflicts of Interest are not properly declared, acknowledged and managed.

Why Conflicts of Interest Occur.

This can be due to deliberate exploitation of the situation by one party for their personal benefit. More commonly, it can be due to people being unaware that they are operating in an improper way under the misapprehension that they are doing the right thing in the best interests of the organisation.

It is therefore vital that all Trustees etc take an open approach to declaring ANY Conflicts of Interest that they think they MIGHT have (“If in doubt, declare it”). A well-maintained Register of Conflicts of Interest (see below) is the best defence against accusations of impropriety against individuals.

What a Conflict of Interest is.

The Charity Commission's guidance publication CC29 defines Conflicts of Interest as: “any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent them from making a decision only in the best interests of the charity.”

Conflicts of interest: a guide for charity trustees

<https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29/conflicts-of-interest-a-guide-for-charity-trustees>

Examples of Conflicts of Interest include (but there are others, too):

- direct financial gain or benefit to the trustee, such as:
 - ◆ payment to a trustee for services provided to the charity
 - ◆ 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
 - ◆ 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
- indirect financial gain, such as employment by the charity of a spouse or partner of a trustee, where their finances are interdependent
- non-financial gain, such as when a user of the charity's services is also a trustee
- conflict of loyalties.

Why We Have a Policy

Trustees, staff and volunteers have a legal obligation to act in the best interests of The Greek Orthodox Community of Bristol Charity in accordance with its governing document, and to avoid situations where there may be a potential conflict of interest. Where Conflicts of Interest occur and are not properly acknowledged and managed they can:

- ◆ inhibit free discussion;
- ◆ result in decisions or actions that are not in the interests of the Charity; and

- ◆ risk the impression that the Charity has acted improperly.

The aim of this policy is to support honesty and integrity through the open declaration of such Conflicts of Interest that may arise and, thereby, to protect both the organisation and the individuals involved from any appearance of impropriety should such interests not be declared.

Policy

The Declaration of Interests

All Trustees, staff and volunteers are required to declare their interests, (including, but not limited to, connections, payments, benefits in kind etc) held or received with regard to their role in The Greek Orthodox Community of Bristol Charity where such interests would, or might, be perceived to conflict with, or otherwise influence their decision-making in respect of the charity's activities.

What To Do if You Face a Conflict of Interest

If you have, or think you might have, a Conflict of Interest, you **MUST** write to the Board of Trustees and declare your Conflict of Interest at the earliest opportunity. Trustees must also confirm same at the start of any Board Meeting.

If you are not sure what to declare, you should err on the side of caution.

NB. declaring a Conflict of Interest is **NOT**, *per se*, a declaration of any impropriety. It's only **FAILING TO DECLARE** a Conflict of Interest which carries with it a risk of impropriety.

If a Trustee or Member of the charity becomes aware that you have, or might have, a Conflict of Interest they are obliged to report it to the Board of Trustees even if you do not.

When a Conflict of Interest is declared.

All declarations of Conflicts of Interest will be treated with appropriate confidentiality.

All declarations of Conflicts of Interest will be considered by the Trustees to assess the level of risk to the charity and what actions need to be put in place to eliminate or mitigate the risk. In more complex cases, the Trustees may appoint one (or more) of their number to look into the matter in more detail.

All declarations of Conflicts of Interest will be recorded in the charity's Register of Conflicts of Interest. For further details of the Register see the section "Register of Conflicts of Interest" below.

Any Trustee who is implicated in a Conflict of Interest, whether directly or as a connected person, may not participate in the assessment of the risk, other than to co-operate with the Assessment.

Any Trustee who is implicated in a conflict of interest may not participate in any discussion connected with the conflict of interest or from which they may directly or indirectly benefit.

Data Protection

The information provided will be processed in accordance with data protection principles as set out in the current Data Protection legislation. Data will be processed only to ensure that Trustees, staff, and volunteers act in the best interests of the Charity. The information provided will not be used for any other purpose.

Decisions Taken Where a Trustee or Member of Staff has an Interest

In the event of the Board of Trustees having to decide upon a question in which a Trustee etc has any interest, all decisions will be made by vote, with a simple majority required. A quorum must be present for the discussion and decision. Any conflicted Trustee will not be counted when deciding whether the meeting is quorate and may not vote on matters affecting their own interests.

All decisions where there is a Conflict of Interest will be recorded in the minutes of the meeting. The report will record:

1. the persons involved;
2. the nature and extent of the Conflict(s) of Interest;
3. an outline of the discussion;
4. the actions taken to manage the Conflict(s) of Interest.

Where it is determined that a Trustee with a Conflict of Interest may nevertheless legitimately benefit from the decision, this will be reported in the annual report and accounts (in accordance with the current Charities SORP when applicable).

All payments or benefits in kind to Trustees will be reported in the charity's Trustees Annual Report and Statement of Financial Activity, with amounts for each Trustee listed for the year in question.

Where a member of The Greek Orthodox Community of Bristol or staff are connected to a party involved in the supply of a service or product to the charity, this information will also be fully disclosed in the Trustees Annual Report.

Independent external moderation will be used where conflicts cannot be resolved internally.

Managing Contracts

Where a Trustee, member of staff, or volunteer 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.

Register of Conflicts of Interest

The Charity will maintain a Register of all reported Conflicts of Interest which will contain, as a minimum, the following information.

- a) The date on which the Conflict of Interest (Col) was first reported, supplemented where appropriate by the dates on which any changes to the Conflict of Interest were reported, including the date on which the Conflict of Interest ceased to be an issue.
Note: *once reported, a Conflict of Interest will remain "on the record" for a minimum of 3 complete reporting years after the Conflict of Interest ceases to exist (eg: if the individual concerned, or any connected persons, ceases to be involved with the charity);*
- b) The name of the individual involved and, in the case of a Conflict of Interest involving one or more connected persons, the names of those connected persons and their relationships;
- c) The position/role/responsibilities within the charity of the individual involved;
- d) The type of Conflict of Interest (eg: personal benefits, family involvement, business involvement, other);
- e) Details of the Conflict of Interest, including its potential impact on the Charity;
- f) Mitigation of the Conflict of Interest – ie: the steps taken by the Trustees to ensure that the Conflict of Interest does not adversely influence the charitable activities of the Charity.

This register of interests shall also be used to record all gifts of a value over £20 received by the trustees, staff and volunteers.

The register will be accessible to all the Trustees of The Greek Orthodox Community of Bristol Charity.

Although The Greek Orthodox Community of Bristol Charity is not governed by the Freedom of Information Act, the register will also be accessible to the Members of the Charity under the same principles as apply to requests under the Freedom of Information Act, namely:

1. the Trustees reserve the right not to disclose details of declared Conflicts of Interest where such disclosure would compromise the right to privacy of the individual(s) concerned;

2. the Trustees reserve the right not to disclose details of declared Conflicts of Interest which involve commercially sensitive information;
3. requests from Members must be for specific information in pursuit of a legitimate concern and not casual or in the opinion of the Trustees, vexatious enquiries.

Change Record

Date of Change:	Changed By:	Comments:
08/11/20	HS	Policy approved by the Trustees