



Conflict of Interest Policy

‘A situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person’s self-interest and professional or public interest; or a situation in which a party’s responsibility to a second party limits its ability to discharge a responsibility to a third party.’

KEY INFORMATION

Policy prepared, reviewed or amended by:	Bridgette Doyle and Suzanne Hilton, Chief Executive
Policy approved by Board of Trustees on:	29 September 2015. Last review date 28 February 2023.
Policy became operational on:	
Next Review Date	This Conflict of Interest Policy, associated guidance and procedures does not form part of staff contracts of employment and may be reviewed and updated at any time. It will be reviewed no less than every three years, or sooner where there are significant changes to guidance or legislation. Minor updates will be made as required.

1. INTRODUCTION

Age UK Bolton understands that it is vital to the Organisation and its stakeholders that any conflicts of interest, or potential conflicts of interest, must be dealt with in an appropriate and professional manner to preserve the integrity of the Organisation and instil trust and confidence in all its operating practices.

2. POLICY

All staff, volunteers, and Trustees of Age UK Bolton agree to strive to avoid any conflict of interest between the interests of the Charity on the one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest, as well as the perception of conflicts of interest, and dealing appropriately with any potential conflicts of interest.

3. SCOPE

Whilst appropriate handling of conflicts of interest primarily relate to Trustees' and Directors' board meetings, this policy also applies to all permanent and temporary employees, volunteers, agency staff, contractors and consultants who are working for, or supplying services to, Age UK Bolton or Age UK Bolton Enterprises Limited (which is a wholly owned subsidiary of Age UK Bolton), hereafter referred to as 'workers'.

4. PURPOSE

The purpose of this policy is to protect the integrity of the Charity's decision-making process, to enable our stakeholders to have confidence in our integrity, and to protect the integrity and reputation of volunteers, staff and Trustee board members.

5. WHAT IS A CONFLICT OF INTEREST?

- a.** A conflict of interest is any situation in which a Trustee's or worker's personal interests, or interests that they owe to another body, may (or may appear to) influence, corrupt or affect their motivation and decision making.
- b.** It is said that the presence of a conflict of interest is independent from the actual execution of any impropriety in connection with it, and so a conflict of interest can be discovered and dealt with in an appropriate and professional manner before any such impropriety occurs. The purpose of this policy is to ensure that this is what happens.
- c.** Conflicts of interest may come in a number of different forms:
 - 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 or worker has an interest and from which a Trustee or worker or related party 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 or worker, where their finances are interdependent.
 - Non-financial gain, such as when a user of the Charity's services is also a Trustee or worker

- Conflict of loyalties, such as where a Trustee or worker is appointed by the local authority, or by one of the Charity's funders; or where someone with whom they have a close personal or legal relationship (such as a spouse, close family member or business partner of a Trustee or worker) is employed by the Charity.
 - A Trustee who is also a user who must decide whether fees from users should be increased.
 - A Trustee who is related to a member of staff and the board must make a decision on staff pay and/or conditions.
 - A Trustee or worker who is also on the committee of another organisation that is competing for the same funding.
- d.** It is inevitable that conflicts of interest occur. The issue is not the integrity of the Trustee or worker concerned, but the management of any potential to profit from a person's position as Trustee or worker, or for a Trustee or worker to be influenced by conflicting loyalties. Even the appearance of a conflict of interest can damage the Charity's reputation, so conflicts need to be managed carefully.
- e.** 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. 'Benefit' includes any property, goods or services which have a monetary value, as well as money.
- f.** It is the potential, rather than the actual, benefit from which the conflict of interest arises. In order to avoid a breach of trust and to ensure transparency, authority is required where there is a possibility of benefit. This will avoid accusations of impropriety, which could, in turn, have a damaging effect on the Charity's reputation.

6. PROCEDURE

- a.** Upon appointment, each Trustee will make a full, written disclosure of interests, such as relationships and posts held, that could potentially result in a conflict of interest. This written disclosure will be kept on file and will be updated as appropriate.
- b.** Workers should also be requested, on induction, to make a full disclosure of any interests, such as relationships or posts held which could potentially result in a conflict of interest.
- c.** It is good practice in board meetings (as set out by the Charity Commissioners and also in respect of not for profit bodies with other forms of constitution, e.g., companies limited by guarantee) for the Chairman to ask if anyone present has any conflict of interests to declare in relation to any of the items on the agenda, or otherwise known to be raised in the meeting). This normally happens at the start of the meeting, but it is incumbent on any Trustee / Director to raise themselves at any point in the meeting if a potential conflict is identified, e.g., under Any Other Business, or if a discussion strays into an area not previously identified in the agenda / papers etc.
- d.** If a (potential) conflict is identified, it is usually sufficient to note the conflict in the minutes so that everyone present understands the position if and when that person speaks on the matter. Often, anyone so conflicted will not take part in the discussion on that item, but remain in the meeting (and may not be allowed to take part in the relevant decision) and, on occasion, it might be requested / agreed that they leave the meeting for the duration of that item (and may not be allowed to take part in the relevant decision). It is a matter of judgement as to which course is agreed.

- e. All workers should notify their line manager in the event they believe a potential conflict of interest has arisen, in order to discuss the most appropriate way to proceed in the circumstances and to ensure transparency and good practice.
- f. Trustees must notify the Chief Executive in the event that they intend to take on any additional public office, trustee position or directorship, to discuss whether any potential conflict of interest may arise as a result of this and, if so, what appropriate action should be taken.
- g. Employees must request permission from the Chief Executive prior to taking on any other employment, public office, directorship, Trustee position, or set up any business, to discuss whether any potential conflict of interest may arise as a result of this and, if so, what appropriate action should be taken.

7. Related Information on interests of Trustees

- a. The rule that a Trustee cannot receive any benefit from his or her Charity without explicit authority is based on the principle that Trustees should not be in a position where their personal interests and their duty to the Charity conflict. Charities and their trustees must be transparent at all times. Transparency is achieved by requiring explicit authorisation of the benefit, and by ensuring that any particular conflict of interest is properly and openly managed.
- b. It is, however, perfectly acceptable to repay reasonable out of pocket expenses to Trustees. 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. It may also include the cost of providing documents in braille, or on audio tape for a Trustee who is blind, or providing special transport, equipment or facilities for any Trustee with a disability.
- c. Benefits that are available to all, or that are of inconsequential or little measurable value, will not normally need to be authorised, such as the use of the village hall facilities by one of the village hall trustees. This would not need to be authorised, as the facilities are available to all members of the local community, which includes the trustees.
- d. The Charity Commissioners will give advice on the management of conflicts of interest and the authorisation of future benefits to Trustees. However, they may investigate in some cases, with the possibility that they might use their statutory powers to protect the Charity. These include where Trustees appear to have placed their personal or other interests ahead of those of the Charity in order to derive significant benefit at the Charity's expense, and where they have deliberately ignored the requirements of the law or of previous advice.

This policy is meant to supplement good judgment, and Trustees, staff and volunteers should respect its spirit as well as its wording.

EMPLOYEE / VOLUNTEER CONSENT STATEMENT

I (name of employee / volunteer) hereby confirm that I have read, understood and will comply with the attached Age UK Bolton Conflict of Interest Policy Statement.

Signed.....

Date