

Swineshead Village Hall - Charity Number 508990



CONFLICT of INTEREST POLICY

1. Introduction

In this document references to SVH means Swineshead Village Hall and Village Hall includes as appropriate the Village Hall itself, and surrounding land, car parking and other facilities as owned or managed by the charity.

References to a User includes any person, group or entity who hires the Village Hall whether as a one-off occasion or on a regular basis.

The Management Committee (Trustees) of Swineshead Village Hall will undertake to make every effort to identify, manage, and, where possible, avoid any conflict of interest between the interests of SVH on the one hand, and personal, professional, and business interests of any other person on the other. This includes avoiding actual conflicts of interest as well as the perception of the existence of possible conflicts of interest.

A conflict of interest arises where one or more of the trustees has an opportunity for an actual or potential financial or similar benefit from a contract or circumstance in which the Charity is involved or may become involved. The involvement of a spouse, family member, business partner, employer or co-employee can affect directly to indirectly whether a conflict of interest arises. In general terms trustees should ensure there is no conflict of interest in acting as a trustee. However, it is recognised that inevitably in a local community full or partial conflicts may arise, and this document seeks to deal with those in a practical and pragmatic way.

In formulating this policy the Trustees have been mindful of the guidance issued by The Charity Commission and the Institute of Chartered Secretaries Specimen Conflict of Interest Declaration. (161205 Specimen-conflict-of-interest-policy-declaration-form-and-register-of-interests-for-charity-trustees__1_.pdf)

2. Purpose of this Policy

The purpose of this policy is to protect the integrity of SVH's Management Committee (Trustees) decision-making process, to enable all persons to have confidence in the integrity of SVH's Management Committee (Trustees), and to protect the integrity and reputation of the SVH's Management Committee (Trustees), the SVH Charity, and any other persons associated with the SVH.

This policy is directed at any person who is acting in the capacity of a member of the Management Committee (Trustee), any person who is not a trustee but is performing a role or function that relates to the operation of SVH, or any person who provides a service to SVH.

The purpose and scope of this policy is intended to ensure that any conflicts of interest are identified and managed appropriately. The reference to 'any person' applies equally to any 'connected person'. Ultimately, whilst this policy provides certain examples of potential Conflicts of Interest it is not possible to define all the circumstances which may lead to such a conflict of interest arising. It is the responsibility of each individual member of the Management Committee to declare any matters which he or she feels may present actual or potential conflicts, or the perception of such conflicts. If there is any doubt, the policy of the SVH is to make a declaration, even if it is found not to be a conflict of interest.

Please refer to the section entitled "Disclosure" below. In the unlikely event that there is an interpretational discrepancy between the SVH Conflict of Interest policy and the Guidance Note "Conflicts of Interest: A Guide for Charity Trustees" published by the Charity Commission then the Commission's guidance will take precedence.

3. Definition of a Conflict of Interest

What is a Conflict of Interest?

"A conflict of interest is any situation in which a member of SVH's Management Committee's personal interests, or interests, which they owe to another body, and those of SVH arise simultaneously or appear to clash. The issue is not the integrity of the person concerned, but the management of any potential to profit from a person's position within SVH's Management Committee, or for a person to be influenced by

conflicting loyalties. Even the appearance of a conflict of interest can damage the standing and reputation, so conflicts need to be managed carefully.”

Types of Interest which May Give Rise to Conflict:

3A. Financial Benefits of Interest

(i) Direct: Financial benefits or interests include, for example, payments made to a member of SVH’s Management Committee for the provision of services or the situation where a company of which the member of SVH’s Management Committee is connected, may be considered for a contract to provide services by SVH. Other examples of financial interest may include the sale of land or the use of a member of SVH’s Management property by SVH, or granting of loans by a member of SVH’s Management Committee to SVH. Conflicts of interest in such cases are particularly serious and any financial benefit requires the appropriate authorisation(s), and could, in extremis, require an authorisation from the Charity Commission itself.

(ii) Indirect: Financial interests may arise where such potential financial benefits accrue to a close member of SVH’s Management Committee’s family, or even a friend, business partner or colleague. In this regard the Charity Commission’s guidance on connected persons where a payment to somebody or persons other than the member of SVH’s Management Committee but where a close relationship exists has to be taken fully into account. Not all payments made to members of SVH’s Management Committee need to be authorised by the Charity Commission or the Courts. It is perfectly acceptable to repay reasonable out of pocket expenses to a member of SVH’s Management Committee. Any costs that are necessary to allow a member of SVH’s Management Committee to carry out his or her duties as a member of SVH’s Management Committee can be classed as expenses and recovered from SVH or met directly by the SVH. Examples may include, but are not limited to, reimbursement for the purchase of items such as envelopes, postage stamps, cleaning materials, decorating materials, etc.

The relevant guidance states that a member of SVH’s Management Committee acting as a Trustee cannot receive any benefit from SVH in return for any service they provide to SVH unless the governing document specifically allows such payments to be made.

3B. Non-financial Benefits or Interests

These would include a situation where a member of SVH’s Management Committee directly or indirectly benefits from activities undertaken by SVH such as, for example, where a member of SVH’s Management Committee business, or personally, might sponsor an event. In these circumstances, the member of SVH’s Management

Committee's business, or personally may potentially derive a non-financial benefit from the sponsorship (in the nature of public relations exposure) and a conflict of interest would therefore arise between the member of SVH's Management Committee's business, or personal interests and his/her role as a member of SVH's Management Committee. Conflicts of this nature would need to be identified and managed in accordance with the procedures described below.

4. Disclosure

Upon appointment each member of SVH's Management Committee 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 annually or as appropriate.

5. Approach to Conflicts

The following key principles apply:

- An open and receptive approach to monitoring conflicts and disclosures to the SVH Management Committee (Trustees) as a body is to be adopted;
 - Any actual or potential conflict of interest is to be disclosed to the SVH Management Committee (Trustees) as soon as it becomes known;
 - Users are responsible for good conflict of interest management and practice within their own organisations or activities and compliance with applicable rules and regulations to ensure no conflicts arise with the role and responsibilities of the SVH Management Committee (Trustees);
- and,
- The SVH Management Committee (Trustees) will not accept any type of abuse of the conflicts of interest policy, in any form, as being reasonable.

6. Reporting Process

The SVH Management Committee (Trustees) have a key role to play in the management of conflict of interest being to:

- Set the tone and influence a culture of monitoring and disclosure by members of the SVH Management Committee and Users;
- Setting the standards and expectations with respect to the conduct of members of the SVH Management Committee or Users of the Village Hall and monitor that these are applied;

and,

- Provide a means by which concerns about an individual, group or User can be reported to the members of the SVH Management Committee and be fairly dealt with. (See the complaints procedure policy.)

Initially details of any conflict of interest identified by a member of the SVH Management Committee should be communicated to all members of the SVH Management Committee (Trustees) either in writing, email or verbally at a next SVH Management Committee (Trustees) meeting. Any member of the SVH Management Committee (Trustees) may request additional details.

If an individual or User feels the SVH Management Committee (Trustees) should be made aware of circumstances which have arisen, then the individual or group of individuals should write to the SVH Management Committee (Trustees) at *insert email* setting out their views and details of the circumstances. If an individual or group of individuals prefers then they should arrange to meet with at least two of the SVH Management Committee (Trustees) to discuss their concerns.

7. Handling a Conflict of Interest

The SVH Management Committee (Trustees) will decide on the appropriate action to take which may include:

- Arranging a meeting of the SVH Management Committee (Trustees) to discuss the circumstances and action to be taken;
- Arranging to meet or discuss the concerns with the individual or key personnel from the relevant User group;
- Requiring further information or clarifications;

- Taking professional advice;

or,

- Taking no further action

In all circumstances the SVH Management Committee will adopt a practical approach and have full information before taking any further action which may include:

- Consenting to the individual continuing to be involved in the subject matter but with adequate safeguards implemented;
- Asking the individual to refrain from being involved in the subject matter or taking part in discussions relating to the subject matter;
- Requesting the individual to stand down as a trustee;
- Reporting to the relevant regulatory body or authorities;
- Restrict or require changes in the activities of an individual or User group which has caused the conflict of interest;

or,

- Taking such remedial or rectification action as the SVH Management Committee (Trustees) consider appropriate. In the course of meetings or activities, SVH Management Committee members will disclose any interests in a transaction or decision where there may be a conflict between the organisations' best interests and the SVH Management Committee member's best interests or a conflict between the best interests of two organisations that the SVH Management Committee member is involved with.

If in doubt, the potential conflict must be declared anyway and clarification sought. In the case of a conflict of interest arising for a SVH Management Committee member because of a duty of loyalty owed to another organisation or person and the conflict is not authorised by virtue of any other provision in the Trust Deeds, the "unconflicted" SVH Management Committee members may authorise such a conflict of interests where (any of) the following conditions apply:

- The Charity Commission's permission is sought before a benefit for a SVH Management Committee member (Trustee) may be authorised that isn't otherwise authorised in the Trust Deeds or already authorised in writing from the Commission;
- The SVH Management Committee member who has declared the conflict of interest withdraws from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person;

- The SVH Management Committee member who has the conflict of interest does not vote on any such matter and is not to be counted when considering whether a quorum of SVH Management Committee members is present at the meeting;
- The other SVH Management Committee members who have no conflict of interest in this matter consider it is in the interests of SVH to authorise the conflict of interest in the circumstances applying.

Any such disclosures, a brief description of the discussion and the subsequent decisions and actions taken must be noted in the minutes.

For all other potential conflicts of interest, the advice of the Charity Commission will be sought and the advice recorded in the minutes. All steps taken to follow the advice will be recorded.

This policy is meant simply to reinforce good behaviours, supplement good judgment, and all persons should respect its spirit as well as its wording. In all circumstances the decision of the SVH Management Committee (Trustees) will be communicated to the individual or complainant with a brief summary of the reasons for the conclusions reached.

The decision of a meeting of all the SVH Management Committee (Trustees) shall be final and not subject to appeal or further review.

8. Approval and Review

This Conflict of Interest Policy was prepared to provide a framework for the management of SVH's assets and procedures which are to apply where concerns arise. It will be reviewed on an annual basis to ensure continuing relevance.

Date: 11th February 2025

Next Review: February 2026

Annex A: Conflicts of Interest Declaration Form

Introduction

This Declaration Form is intended to capture conflicts of interest relating to individuals involved in the aforementioned policy in order to avoid any actual, potential or perceived conflicts of interest which may damage the reputation of Swineshead Village Hall or members of the Swineshead Village Hall Management Committee (Trustees).

Individuals must avoid placing themselves in a position where there is a conflict between their personal and/or outside interest and their official duties as a member of Swineshead Village Hall Management Committee (Trustees) and must comply with internal policy relating conflicts of interest at all times.

A (non-exhaustive) list of examples are available in the policy and it is your responsibility to ensure that any and all actual, potential or perceived conflicts are disclosed prior to you being involved in any decision making process.

If you are unsure whether your current or previous relationship or involvement with a company that is seeking to do business with the Swineshead Village Hall constitutes a conflict of interest, you should seek advice from an Authorised Individual stated below.

This Form also includes a requirement for individuals involved in the procurement process to treat information (including but not restricted to bid documents, supplier evaluations etc.) with the appropriate level of confidentiality, and not make any unauthorised disclosures of this information.

All individuals with access to information must sign this Form.

Authorised Individuals

Authorised Individuals are responsible for managing the disclosure of conflicts of interest. The Authorised Individuals for these purposes are:

[insert name and title of officer and any person(s) to whom management has been delegated]

If conflicts of interest arise at any time during the tenure of an individual member of the Swineshead Village Hall Management Committee (Trustees), an Authorised Individual must be notified. Any disclosure of information must also be approved by an Authorised Individual prior to disclosure.

Statements

1. I acknowledge that my official duties cause me to have access to documents or data pertaining to Swineshead Village Hall. I am aware that unauthorised disclosure of information could damage the integrity of Swineshead Village Hall, or members of the Management Committee (Trustees) and that transmission or revelation of such information to unauthorised persons will subject me to investigation and potential disciplinary action.
2. I will not divulge, publish or reveal by word, conduct, or any other means such information or knowledge, except as necessary to do so in the performance of my official duties related to Swineshead Village Hall and in accordance with the laws of the United Kingdom, unless specially authorised in each and every case by an Authorised Individual.
3. If at any time during my tenure, my participation might result in an actual, potential or perceived conflict of interest, I will immediately report the circumstances to an appropriate Authorised Individual.

Declaration Guidance

Declaration A should be signed if there are no actual, potential or perceived conflicts of interest.

Declaration B should be signed if there are actual, potential or perceived conflicts of interest. The conflicts of interest and mitigation must be stated in Appendix 1 below. An Authorised Individual must also sign Declaration B to confirm that they accept that appropriate mitigations have been put in place.

Declaration A (if no conflicts of interest)

By signing this Form, I declare that I have read and accept the Statements above, and that there are no conflicts of interest of any nature which would prevent me from participating in the activities of the Swineshead Village Hall Management Committee (Trustees).

If any actual, potential or perceived conflicts of interest arise in the future, I will inform an Authorised Individual immediately.

Name:

Position:

Signature:

Date:

Declaration B (if actual, potential of perceived conflicts of interest)

By signing this Form, I confirm that the conflicts of interest in Appendix 1 have been mitigated appropriately to allow me to participate in a suitable role within the Swineshead Village Hall Management Committee (Trustees).

If any other actual, potential or perceived conflicts of interest arise in the future, I will inform an Authorised Individual immediately.

Name:

Position:

Signature:

Date:

Appendix 1

My conflict(s) of interest, including mitigations, is/are:

Conflict of interest:

Mitigation:

Conflict of interest:

Mitigation:

Conflict of interest:

Mitigation:

Conflict of interest:

Mitigation:

Conflict of interest:

Mitigation:

Authorised Individual

By signing this Form, I confirm that the conflicts of interest in Appendix 1 have been mitigated appropriately, and therefore the individual's role on the Swineshead Village Hall Management Committee (Trustees), also stated in Appendix 1, is appropriate.

Name:

Position:

Signature:

Date: