



## Conflict of Interest and Anti-bribery Policy

Although the requirements regarding managing conflicts of interest and bribery primarily apply to trustees, all staff and volunteers will 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.

The purposes of this policy are to protect the integrity of the charity decision-making process, to enable our stakeholders to have confidence in our integrity, and to protect the integrity and reputation of all of us.

### **Examples of conflicts of interest include:**

1. A trustee who is related to a member of staff and there is decision to be taken in respect of that staff member.
2. A trustee or staff member who has a relative or connected person in a business that may be awarded a contract to do work or provide services for the charity. A situation where there is a loyalty or other bond to another charity or organisation or individual. A close family member or a business colleague who stands to benefit from a situation means that there is a conflict of interest to be declared and managed.
3. A trustee might be selling an asset to the charity or provide services or even join the staff.
4. Gifts or hospitality or other favours given to a trustee/staff member.

These are examples and not intended to be a definitive list. Each trustee and staff is responsible for declaring actual or potential conflicts. If in any doubt the chair should be consulted.

Upon appointment each trustee will make a 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 with the register of interests, and will be updated as appropriate, ideally every January 1st.

In the course of meetings or activities, trustees will disclose any interests in a transaction or decision where there may be a conflict between the charity's best interests and the trustee's (or other connected person's) best interests or a conflict between the best interests of two organisations that the trustee is involved with.



After disclosure the trustee should leave the room to enable the other trustees to decide how the conflict should be managed. It may be appropriate for the trustee to be absent during the part of the meeting where the matter is discussed or the conflicted trustee may be allowed to take part in the discussion but not to vote.

Any such disclosure and the subsequent actions taken will be noted in the minutes. This policy is meant to supplement good judgment, and staff, volunteers and trustees should respect its spirit as well as its wording.

**Third Parties** - Remember that the charity may be held liable for actions by third parties, i.e., agents, contractors, consultants. Appropriate due diligence is required before entering into any relationships, and there must be a clear rationale and proper documentation.

**Bribery** - Under the Bribery Act 2010 bribery by individuals can attract a prison sentence of up to 10 years with unlimited fines. If the charity has taken part in, or even lacks proper controls to prevent bribery, it too can face an unlimited fine, with serious reputational issues.

**Bribery defined** - The offering, giving, solicitation or acceptance of any bribe or corrupt inducement whether in cash or any other form, to gain any commercial, contractual or regulatory advantage. It does not include normal (proportionate) hospitality, where there is no agenda of seeking favours or benefits. Transparency is usually the key to whether a gift or hospitality is reasonable and proportionate. Refer to the chair if in any doubt.

**Whistleblowing** - Prevention, detection and reporting of bribery or lack of procedure in dealing with a conflict of interest is primarily the responsibility of the trustees but if anyone involved with the charity suspects any improper activity or conduct has a duty to report their concerns to the trustees in accordance with standard whistleblowing policy.

**Gifts in kind (any gift given for use by the charity) and Hospitality** - All gifts in kind and hospitality should be recorded by the Finance Department and entered on the list of gifts in kind. Full details should be shown including the estimated value. Gifts in kind and hospitality can be accepted provided everyone understands there is no obligation or expectation placed on the charity thereafter. A trustee/ staff member being wined and dined when there are contracts up for discussion must be assiduously avoided. Secrecy must be avoided.



**Reciprocal Agreements** - Any form of 'quid pro quo' is not acceptable unless properly documented and approved by the trustees.

**To sum up** – Trustees and staff members have a legal duty to act in the best interests of the charity and in accordance with the governing document. A badly managed conflict of interest may prevent open discussion, result in poor decisions not in the best interests of the charity and bring discredit on the reputation of the trustees and the charity as a whole. Any action which can be construed as bribery and corruption can have serious consequences. Always remember too that trustees should share information with other trustees. Trustees must be transparent with one another, and that includes the chair.