



## **Conflict of Interest Policy**

This policy applies to Trustees of the Friends of King Henry's Walk Garden charity and members of the Management Committee of King Henry's Walk Garden.

### **Aims of the policy**

Trustees have a legal obligation to act in the best interests of the Friends of King Henry's Walk Garden and in accordance with the charity's governing document, and to avoid situations where there may be a potential conflict of interest. Members of the management committee have similar obligations.

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of the Friends of King Henry's Walk Garden. Such conflicts may create problems; they can:

- inhibit free discussion;
- result in decisions or actions that are not in the interests of the Friends of King Henry's Walk Garden, and
- risk the impression that the Friends of King Henry's Walk Garden have acted improperly.

The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

### **The Declaration of Interests**

Accordingly, trustees and members of the management committee must declare their interests, and any gifts or hospitality received in connection with their role in the Friends of King Henry's Walk Garden.

To be effective, the declaration of interests needs to be updated at least annually, and also when any changes occur.

If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the Secretary for confidential guidance.

This register of interests shall also be used to record all gifts of a value over £50 received by the trustees and management committee members. Interests and gifts will be recorded on the charity's register of interests, which will be maintained by the Secretary.

The register will be accessible by all members of King Henry's Walk Garden on request.

### **Data protection**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 2018. Data will be processed only to ensure trustees and members of the management committee act in the best interests of the charity. The information provided will not be used for any other purpose.

### **What to do if you face a conflict of interest**

If you believe you have a real or perceived conflict for any reason you should:

- declare your interest at the earliest opportunity;
- withdraw from any discussions and decisions relating to the matter.



When expressly invited to remain in order to provide information you may not participate in or influence the decision and must withdraw from the meeting during any vote on the matter.

You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal.

If you fail to declare an interest that is known to other trustees or management committee members, those other trustees or members will declare that interest.

### **Decisions taken where a trustee or committee member has an interest**

In the event of the board of trustees or management committee having to decide upon a question in which a trustee or member has an interest, the interested parties may not vote on the matter and will not be counted in the quorum for the decision.

All decisions under a conflict of interest will be recorded by the charity's Secretary and reported in the minutes of the meeting. The report will record:

- the nature and extent of the conflict;
- an outline of the discussion;
- the actions taken to manage the conflict.

Where a trustee benefits from the decision, this will be reported in the annual report and accounts in accordance with the current Statement of Recommended Practice for Charities (SORP).

All payments or benefits in kind to trustees will be reported in the charity's accounts and annual report, with amounts for each trustee listed for the year in question.

Where a board or committee member is connected to a party involved in the supply of a service or product to the charity, this will also be disclosed in the annual report and accounts. Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.

### **Managing contracts**

A trustee or management committee member must not be involved in managing or monitoring a contract in which they have an interest. Monitoring arrangements for such projects will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

Date: January 2024

## Notes

1. *Conflict of interests and conflicts of loyalty are covered in Section 7 of KHWG Constitution.*

*'A charity trustee must:*

*(1) declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the CIO or in any transaction or arrangement entered into by the CIO which has not previously been declared; and*

*(2) absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict of interest will arise between his or her duty to act solely in the interests of the CIO and any personal interest (including but not limited to any financial interest).*

*Any charity trustee absented himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the charity trustees on the matter.'*

2. *Additional sections in the NCVO model policy*

*'The charity secretary should take special care to ensure that minutes or other documents relating to the item presenting a conflict are appropriately redacted for the person facing the conflict. A balance needs to be made to ensure that the person still receives sufficient information about the activities of the charity generally without disclosing such sensitive information that could place the individual in an untenable condition.'*

*'Managing contracts*

*If you have a conflict of interest you must not be involved in managing or monitoring a contract in which you have an interest. Monitoring arrangements for such projects will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.'*