**Model conflict of interest policy**

This policy applies to [trustees][ trustees and senior staff][trustees and all staff].

**Why we have a policy**

Trustees have a legal obligation to act in the best interests of [the charity], and in accordance with [the charity’s] governing document. [Staff and volunteers have similar obligations.]

Conflicts of interests may arise where an individual’s personal or family interests and/or loyalties conflict with those of [the charity]. Such conflicts may create problems; they can:

* Inhibit free discussion;
* Result in decisions or actions that are not in the interests of [charity]; and
* Risk the impression that [charity] has 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, we ask [trustees][trustees and senior staff][trustees and all staff] to declare their interests, and any gifts or hospitality received in connection with their role in [the charity]. A declaration of interests form is provided for this purpose, listing the types of interest you should declare. 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 charity secretary [or……] for confidential guidance. Interests will be recorded on the charity’s register of interests, which will be maintained by [the charity secretary]. The register will be accessible by [level of access, noting any statutory requirements applicable.]

**Data protection**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that [trustees][trustees and senior staff][trustees and all staff] 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 are user of [charity’s] services, or the carer of someone who uses [charity’s] services, you should not be involved in decisions that directly affect the service that you, or the person you care for, receive(s). You should declare your interest the earliest opportunity and withdraw from any subsequent discussion. The same applies if you face a conflict for any other reason.

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 know to [the charity secretary] and/or [the chair of the board], [the secretary] or [chair of the committee] will declare that interest.

**Decisions taken where a trustee or member of staff has an interest**

In the event of the board having to decide upon a question in which a trustee or member of staff has an interest, all decisions will be made by vote, with a [simple majority] [two thirds majority][…]required. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate. Interested board members may not vote on matters affecting their own interests

All decisions under a conflict of interest will be recorded by [the charity 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 trustees benefits from the decision, this will be reported in the annual report and accounts in accordance with SORP 2000.](This only applies to registered charities with income or expenditure in excess of £100,000 per annum, or to charitable companies; or to smaller charities who choose the accruals basis of accounting).

[The charity] allows contracts below [£] to be signed without the approval of the board i.e.a de *minimis* exemption applies to contracts less than [£] in value. Random checks against the register of interest will be made on the award of contracts below this value. If the cumulative value of a series of small contracts exceeds [£…..], the trustees will operate the policy used for individual contracts over that sum.

The de *minimi*s exemption does not apply to contracts of employment with [charity].

Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.

(Organisations should add any further requirements that relate to the nature of the organisation’s work.)

**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. Motoring 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.