

No 06 Policy and Procedures – Conflicts of Interest	
Author	Hilary MacDonald
Division	Chief Executive Office
For use by	This policy applies to all Trustees, managers, staff and volunteers of Age UK Norfolk
Purpose	To protect the charity, the Trustees and managers from possible accusations of impropriety and to uphold the standards required of an independent, impartial Information, Advice and Advocacy service
Key related Documents	Policy No 30 Gifts, Tips, Legacies and Anti-Bribery Policy and Procedures, Age UK Norfolk Governing Document
Policy Number	06
Version	01
Revision number	2
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Review Date	Q3 2021

1. Purpose of this Policy

Trustees have a legal duty to act in the best interests of Age UK Norfolk in accordance with the Charity's governing document, the Memorandum and Articles of Association. Staff and volunteers have similar obligations.

Conflicts of interest may arise where personal interests of individual Trustees, managers, staff or volunteers or their loyalties to third parties conflict with the interests of the Charity. This can inhibit free and impartial discussion; it can result in decisions that are not in the best interests of the Charity and it can run the risk of giving the impression that the Charity has not acted properly.

Age UK Norfolk is unable to offer advice a) to a party in relation to an organisation/service owned by a Trustee or manager or one that they have an interest in, or; b) to a party in dispute with someone who is a Trustee or manager. Similarly, Age UK Norfolk is unable to offer advice to a client that involves a member of staff or volunteer.

The purpose is to protect Age UK Norfolk, the Trustees, managers, staff and volunteers from possible accusations of impropriety and to uphold the standards required of an independent, impartial Information, Advice and Advocacy service.

This Policy should be read in conjunction with Policy No 30 Gifts, Tips, Legacies and Anti-Bribery Policy and Procedures

2. Who this Policy Applies to

This policy applies to any individual, who a) controls or influences the activities of Age UK Norfolk including Trustees and managers, b) who becomes aware of a conflict involving a client they are supporting.

3. What is a Conflict of Interest?

The Charity Commission defines this as:

“any situation in which a Trustee's personal interests, or interests which they owe to another body, and those of the Charity arise simultaneously or appeared to clash.”

Examples would be:

- Where a Trustee or manager stands to derive direct financial benefit or gain through the award of a contract to an organisation in which the Trustee has an interest;
- Where a Trustee or manager stands to benefit indirectly, such as through the employment by Age UK Norfolk of the Trustee's spouse or partner;
- Where an Information, Advice and Advocacy client has a housing problem and the landlord is an Age UK Norfolk Trustee, manager, staff member or volunteer;
- Where an Information Advice and Advocacy client wants to complain about a service that is being provided and that service is being provided by an organisation owned by a Trustee, manager, staff member of volunteer or provided by one that they have an interest in;

- Non-financial gain where, for instance, a Trustee might become a user of Age UK Norfolk's services;
- A conflict of loyalties, such as where a Trustee or manager is appointed by a local authority or by one of Age UK Norfolk's funders, or where a friend of a Trustee is employed by the organisation.

4. Declaration of Interests

Accordingly, we are asking Trustees, managers and all staff and volunteers to declare their interests, and any gifts or hospitality offered and received in connection with their role in the charity.

Declaration of interests forms are provided for this purpose, listing the types of interest should be declared.

A register of interests shall be used to record all interests, gifts and hospitality received by the trustees, managers, members of staff and volunteers.

All conflicts of interest, whether actual or potential, must be declared promptly at the earliest possible opportunity.

5. Trustees and Managers (involved in decision-making)

All new Trustees and managers will be expected to complete Age UK Norfolk's Declaration of Interests Form on appointment. All existing Trustees and managers will be asked to complete the form and to review their declared interest annually.

New actual or potential conflicts of interest must be declared when:

- The conflict of interest first arises eg on appointment to the Board of a company with which Age UK Norfolk has a relationship.
- The Trustee or manager becomes aware that a potential conflict of interest exists eg when the Trustee or manager first becomes aware that a company of which s/he is a Director has a contractual relationship with Age UK Norfolk.

In addition to the annual declaration, to be effective, the declaration of interests needs to be updated when any material changes occur.

6. Staff and volunteers

In the interests of transparency and openness, staff and volunteers are required to declare their interests.

Although members of staff and volunteers do not have any decision-making powers at the Board or Board Sub-Committee meetings, it is recognised that there may be instances where they have a conflict of interest with regard to the matters under discussion or in relation to acting for and/or supporting a client

Where this is the case, the staff member or volunteer must raise the matter with their line manager or supervisor, or as soon as is practically possible. Where a conflict of interest or potential conflict of interest occurs, the conflict of interest must be recorded on Age UK Norfolk's Declaration of Interests Form. All members of staff will be asked to sign a conflict of interest form annually. A commitment to declare any conflict of interest will form part of the volunteer agreement. Staff and volunteers will review their declared interest annually and will be expected to inform their line manager/supervisor and the Chief Executive when any material changes occur.

7. Register of Interests

The Charity's Register of Interests will be maintained by the Chief Executive. The Register will be open to inspection by the Charity's Auditors and statutory regulators.

A copy of the Register listing the interests of Trustees, managers, staff and volunteers will be made available to the Information, Advice and Advocacy Team.

If an individual completing the Declaration of Interests Form requests that any information should not be disclosed without prior notice, any such request must be made to the Chair or Vice Chair.

Where an individual making a declaration is connected to a party involved in the supply of a service or product to the Charity, this information may also be disclosed in the Annual Report and Accounts if required by the Charity's Auditors.

8. Data Protection

The information provided will be processed in accordance with data protection principles as set out in data protection legislation. Data will be processed only to ensure that the individual acts in the best interests of the Charity. The information provided will not be used for any other purpose without the individual's prior consent.

9. Management of Conflicts of Interest

The Charity Commission recognises that conflicts of interest will occur. It is concerned that there should be proper management of any potential possibility that a Trustee or manager might be influenced by conflicting loyalties.

All Trustees and managers have a duty to ensure that they are aware of any conflicts of interest and to play their part in minimising their possible effects.

10. Procedures for the Management of Conflicts of Interest

10.1 Staff and Volunteers

The procedure for the management of a conflict raised by a member of staff or volunteer relating to the charity's services will be determined on a case by case basis depending

upon the circumstances. In any event, the conflict of interest will be recorded as set out in Section 6 and escalated to the Service Manager to determine.

The Information, Advice and Advocacy Team will undertake a check of the Register listing the interests of Trustees, managers, staff and volunteers before undertaking to help and advise clients in a dispute.

10.2 Trustees

Trustees must make their decisions only in the best interests of the charity. This means that they must consider the issue of the conflict of interest so that any potential effect on decision making is eliminated. How trustees do this will depend on the circumstances.

In cases of potential conflicts of interest it may mean the trustees deciding to:

- not pursue a course of action
- not appointing a particular trustee or securing a trustee resignation.

Where trustees have decided against removal of the conflict of interest they must prevent it from affecting their decision in a different way. In such circumstances Trustees must follow any specific requirements in the law or the charity's governing document (the Articles) which deal with conflicts of interest and how they should be managed (legal requirement).

It is the Trustees' or managers' duty to advise the Chairman at the start of any Board meeting or Board Sub-Committee if they have any potential conflicts of interest affecting any matters on the agenda for that meeting and the nature of such conflict. Declarations of interest will be invited and recorded at the start of every Board meeting.

Where an interest has been declared by a Trustee, the Chairman will proceed in accordance with the Articles.

If the Chairman declares an interest or the Chairman's interests are raised by any other Trustee or the Chief Executive, the Vice-Chair will make such a decision.

If an individual fails to declare an interest that is known to the Chair of the Board and/or the Chief Executive, the Chair or the Chief Executive will declare that interest.

The minutes of any meeting at which a conflict of interest is declared will record:

- the nature of the interest.
- which trustee or trustees were affected
- whether any conflicts of interest were declared in advance
- an outline of the discussion
- whether anyone withdrew from the discussion and/or decision
- how the trustees took the decision in the best interests of the charity

In some circumstances, the Chair may have to consider the redaction of minutes for the particular individual who has raised the conflict of interest.

10.3 Contracts

Trustees with a declared conflict of interest will not be authorised as signatories to either contracts or invoices connected with such conflict.

10.4 Charity Commission Authorisation

Where the conflict of interest is so acute or extensive that following the options above will not allow the trustees to demonstrate that they have acted in the best interests of the charity, trustees may need to seek the authority of the Charity Commission.

The Charity Commission may be asked to authorise a conflict of interest where, in the opinion of the Chairman (or the Vice-Chair in the case of the Chairman's interest), this would be in the best interests of the charity. Where a material conflict of interest exists and has been so authorised by the Charity Commission and a Trustee receives a benefit from the conflict, such benefit will be declared in Age UK Norfolk's Annual Report.

11. Decisions taken where a Trustee has an interest

In the event of the Board, or a Board Sub-Committee having to decide upon a question in which a Trustee has an interest, all decisions will be made by vote, with a simple 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 Chief Executive/Finance and Business Performance Manager and reported in the minutes of the meeting (as set out in section 10.2).

12. Further information

Any individual who thinks that they may have a conflict of interest, or is unsure what to declare, or whether/when their declaration needs to be updated, should err on the side of caution, declare the interest and contact the Chair or Chief Executive for guidance.

13. References

The Commission's guidance includes

- It's your decision: charity trustees and decision making (CC27)
- Conflicts of interest: a guide for charity trustees (CC29)
- Charity reporting and accounting: the essentials 2009 (CC15b).

14. Policy Review

This policy will be reviewed every two years.

A handwritten signature in black ink, appearing to read 'Hilary Macdonald', written over a horizontal line.

HILARY MACDONALD
Chief Executive
October 2019

ENDS

AGE UK NORFOLK TRUSTEE'S DECLARATION OF INTERESTS FORM

I,, a Trustee of Age UK Norfolk, set out below my interests as required by the Conflicts of Interest Policy.

Category	Please give details of the interest and whether it applies to yourself or some other person with whom you have a close connection.
Property Interest - other than your own home unless renting all or part of your home. Please supply address of property/properties.	
Current employment and any previous employment in which you have a financial interest.	
Appointments (voluntary or otherwise) – including trusteeships, directorships, professional chairs, local authority membership etc. or working with any funding organisation	
Business Interest – including investments, partnerships, significant shareholdings* and beneficial interests in listed companies (*significant for this purpose means holding, together with your family, more than 5% of the issued voting shares of the company).	
Gifts and/or hospitality offered to you by external bodies and whether this was declined or accepted in the last 12 months.	
Do you or your immediate family use or care for a user of Age UK Norfolk's charitable services? Yes/No* (Please delete whichever does not apply. If Yes, please supply details.)	
Any contractual relationship with Age UK Norfolk or a subsidiary.	
Any other conflicts of interest not covered by the above.	

To the best of my knowledge the above information is correct and complete. I undertake to advise Age UK Norfolk if any of the above information should change or if I become interested in any way that creates a potential conflict of interest with my position as a Trustee of Age UK Norfolk. I agree to review and update this declaration annually. I give my consent for this information to be used for the purposes described in the Age UK Norfolk's Conflicts of Interest Policy and for no other purpose.

Signed(Trustee) Date

AGE UK NORFOLK MANAGER'S DECLARATION OF INTERESTS FORM

I,, a Manager of Age UK Norfolk, set out below my interests as required by the Conflicts of Interest Policy.

Category	Please give details of the interest and whether it applies to yourself or some other person with whom you have a close connection.
Property Interest - other than your own home unless renting all or part of your home. Please supply address of property/ies.	
Current employment and any previous employment in which you have a financial interest.	
Appointments (voluntary or otherwise) – including trusteeships, directorships, professional chairs, local authority membership etc. or working with any funding organisation	
Business Interest – including investments, partnerships, significant shareholdings* and beneficial interests in listed companies (*significant for this purpose means holding, together with your family, more than 5% of the issued voting shares of the company).	
Gifts and/or hospitality offered to you by external bodies and whether this was declined or accepted in the last 12 months.	
Do you or your immediate family use or care for a user of Age UK Norfolk's charitable services? Yes/No* (Please delete whichever does not apply. If Yes, please supply details.)	
Any contractual relationship with Age UK Norfolk or a subsidiary.	
Any other conflicts of interest not covered by the above.	

To the best of my knowledge the above information is correct and complete. I undertake to advise Age UK Norfolk if any of the above information should change or if I become interested in any way that creates a potential conflict of interest with my position as a Manager of Age UK Norfolk. I agree to review and update this declaration annually. I give my consent for this information to be used for the purposes described in the Age UK Norfolk's Conflicts of Interest Policy and for no other purpose.

Signed (Manager) Date

AGE UK NORFOLK STAFF DECLARATION OF INTERESTS FORM

I,, a Staff Member of Age UK Norfolk, set out below my interests as required by the Conflicts of Interest Policy.

Category	Please give details of the interest and whether it applies to yourself or some other person with whom you have a close connection.
Property Interest - other than your own home unless renting all or part of your home. Please supply address of property/ies.	
Current employment and any previous employment in which you have a financial interest.	
Appointments (voluntary or otherwise) – including trusteeships, directorships, professional chairs, local authority membership etc. or working with any funding organisation	
Business Interest – including investments, partnerships, significant shareholdings* and beneficial interests in listed companies (*significant for this purpose means holding, together with your family, more than 5% of the issued voting shares of the company).	
Gifts and/or hospitality offered to you by external bodies and whether this was declined or accepted in the last 12 months.	
Do you or your immediate family use or care for a user of Age UK Norfolk's charitable services? Yes/No* (Please delete whichever does not apply. If Yes, please supply details.)	
Any contractual relationship with Age UK Norfolk or a subsidiary.	
Any other conflicts of interest not covered by the above.	

To the best of my knowledge the above information is correct and complete. I undertake to advise Age UK Norfolk if any of the above information should change or if I become interested in any way that creates a potential conflict of interest with my position as a Staff Member of Age UK Norfolk. I agree to review and update this declaration annually. I give my consent for this information to be used for the purposes described in the Age UK Norfolk's Conflicts of Interest Policy and for no other purpose.

Signed (Staff Member) Date

AGE UK NORFOLK VOLUNTEER DECLARATION OF INTERESTS FORM

I,, a Volunteer of Age UK Norfolk, set out below my interests as required by the Conflicts of Interest Policy.

Category	Please give details of the interest and whether it applies to yourself or some other person with whom you have a close connection.
Property Interest - other than your own home unless renting all or part of your home. Please supply address of property/ies.	
Current employment and any previous employment in which you have a financial interest.	
Appointments (voluntary or otherwise) – including trusteeships, directorships, professional chairs, local authority membership etc. or working with any funding organisation	
Business Interest – including investments, partnerships, significant shareholdings* and beneficial interests in listed companies (*significant for this purpose means holding, together with your family, more than 5% of the issued voting shares of the company).	
Gifts and/or hospitality offered to you by external bodies and whether this was declined or accepted in the last 12 months.	
Do you or your immediate family use or care for a user of Age UK Norfolk's charitable services? Yes/No* (Please delete whichever does not apply. If Yes, please supply details.)	
Any contractual relationship with Age UK Norfolk or a subsidiary.	
Any other conflicts of interest not covered by the above.	

To the best of my knowledge the above information is correct and complete. I undertake to advise Age UK Norfolk if any of the above information should change or if I become interested in any way that creates a potential conflict of interest with my position as a Volunteer of Age UK Norfolk. I agree to review and update this declaration annually. I give my consent for this information to be used for the purposes described in the Age UK Norfolk's Conflicts of Interest Policy and for no other purpose.

Signed (Volunteer) Date

1. 5 Document Control

Version	Revision	Action	Author	Date
2	0.1	Subject to substantial revision	HM	November 2019