



The Nayamba Trust Conflict of Interest Policy

Statement of Intent

The Nayamba Trust (TNT) is committed to ensuring its decisions and decision-making processes are, and are seen to be, free from personal bias and do not unfairly favour any individual connected with the charity. The purpose of this policy is to protect the integrity of the organisation's decision-making process, to enable stakeholders to have confidence in the organisation's integrity and to protect the integrity and reputation of volunteers, staff and trustees.

Policy

It is the policy of TNT to:

- Ensure every trustee understands what constitutes a conflict of interest and that they have a responsibility to recognise and declare any conflicts that might arise for them.
- Document the conflict and the action(s) taken to ensure that the conflict does not affect the decision making of the organisation

Definition

Trustees have a duty to always act in the best interests of the charity and its beneficiaries.

A 'conflict of interest' arises when the best interests of an individual trustee are, or could be, different from the best interests of the charity itself.

This may be something that affects the trustee directly, or indirectly, through a family member or friend or business partner.

Conflicts of interest may be ongoing, for example a trustee who is related to a service user or who is also a trustee for another local organisation or grant-maker; or they may be one-off, for example awarding a one-off contract.

Examples of conflicts of interest include:

- A trustee who is related to a member of staff and there is decision to be taken on staff pay and/or conditions.
- A trustee who is also on the committee of another organisation that is competing for the same funding.
- A trustee who has shares in a business that may be awarded a contract to do work or provide services for the organisation.

Conflicts of interest can give rise to a number of problems. They may:

- Result in decisions or actions that are not in the best interests of the charity;
- Risk the impression that the charity has acted improperly;
- Prevent frank, open discussion.

Even the appearance of a conflict of interest can damage the charity's reputation, so conflicts need to be managed carefully and with transparency.

Procedure

When a trustee identifies that they have a potential conflict of interest they must:

- Declare it as soon as they become aware of it.
- Ensure it is entered in the conflict of interest register (ongoing conflicts), and/or noted in the meeting minutes (one-off conflicts).
- Not take part in any board discussions relating to the matter.
- Not take part in any decision making related to the matter.
- Not be counted in the quorum for decision making related to the matter.

In the interests of frank and open discussion, a trustee affected by a conflict of interest must leave the room while related discussion / decision making is taking place, unless there is good reason for them to stay.

The minutes should state:

- The declared conflict.
- That the trustee left the room, or the reason they were asked to stay.
- That the trustee took no part in discussion or decision making on the matter.
- That the meeting was quorate (not counting the affected trustee).
- Any other actions taken to manage the conflict.

If a trustee is unsure what to declare, they should err on the side of caution and discuss the matter with the Chairman for confidential guidance.

Conflict of Interest Register

A conflict of interest register will be maintained by the TNT. Trustees will complete an annual declaration detailing all on-going conflicts or stating that there are none. All new trustees will be required to complete a declaration upon appointment. The annual declaration does not absolve trustees of the responsibility to declare a new potential conflict immediately.

This policy is meant to supplement good judgement and staff, volunteers and trustees should respect its spirit as well as its wording.

Further advice about Conflicts of Interest can be found on the Charity Commission's website at:

<http://www.charitycommission.gov.uk/trustees-staff-and-volunteers/trustee-board/conflicts-of-interest/>