

**The Association of Teesdale Day Clubs**  
**Conflicts of Interest Policy**  
**Number 18 Issue 01**

**Policy statement**

1. The Association of Teesdale Day Clubs (the Association) is committed to ensuring that any conflicts of interest that arise during the running of the organisation and delivery of our services are declared, recognised as conflicts and dealt with in an efficient and straight forward manner in order to avoid a crisis, illegality or complex situation arising.
2. A conflict of interest is any situation in which a trustee's or staff member's personal interest or loyalties could, or could be deemed to, prevent them from making a decision that is only in the best interests of the Association.
3. All trustees have a legal duty to always act in the best interest of the Association when carrying out their Trustee roles with the Association. They are legally bound to declare a conflict of interest when one arises.
4. Staff have a duty to ensure that any personal activity does not conflict with the ethos or values of the Association when they are acting or speaking, or could be perceived as acting or speaking, on behalf of the Association.
5. We will always endeavour to manage any conflict of interest in compliance with our own constitution and charity commission requirements, and their expectations of registered charities and behaviour of charity trustees.
6. All senior staff and trustees are asked to declare any conflicts of interest on joining and to update this information as required or on an annual basis. This information will be kept as a confidential register of conflicts in order that we can predict when a conflict may need to be addressed or declared. This register will be reviewed annually.
7. The existence of a conflict of interest does not reflect on the integrity of the affected trustee or member of staff, so long as it is properly addressed.
8. This policy also extends to connected persons of trustees and senior staff (e.g., managers) who may be involved or included in any decision-making processes, financial or business-related activity that is being undertaken or commissioned by the Association.
9. A connected person in broad terms means a family member, relative or business partner of a trustee (or staff member), as well as businesses in which a trustee has an interest through ownership or influence. The term includes a spouse, unmarried or civil partner, children, siblings, grandchildren, and grandparents, as well as

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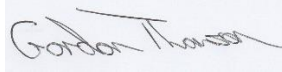
businesses where a trustee or family member holds at least one-fifth of the shareholding or voting rights.

10. A conflict of interest under this policy also includes a conflict of loyalty. This is when a trustee or senior staff member who is involved in any decision-making discussions or processes on behalf of the Association, has a loyalty to another charity or person that may prevent them from acting in the best interests of the Association.
11. Our constitution states that:
  - 1) No member of the Board will acquire any interest in property belonging to the Association (otherwise than as a trustee for the Association) or receive remuneration or be interested (otherwise than as a member of the Board of Trustees) in any contract entered into by the Board of Trustees; and that
  - 2) Any member of the Board of Trustees, for the time being who is a solicitor, accountant or other person engaged in a profession may charge and be paid all the usual professional charges for business done by him or her or his or her firm when instructed by the other members of the Board of Trustees, to act in a professional capacity on behalf of the Association provided that at no time shall a majority of the members of the Board of Trustees benefit under this provisions and that a member of the Board of Trustees shall withdraw from any meeting at which his or her own instruction or remuneration, or that of his or her firm, is under discussion.
12. A contract means any type of agreement, verbal or in writing, a legal contract to undertake works, or any action or service that is subject to a financial charge, and that is required by the Association to allow them to deliver their services.
13. Remuneration does not include ordinary expenses. Expenses means the legitimate payments which a trustee or member of staff has had to meet personally to carry out his or her trustee duties. Any reasonable costs that allow trustees to carry out their duties can be classed as legitimate expenses and paid from the Association's funds.
14. Trustees will consider estimates or quotes for work when contracting or commissioning a service or piece of work, in line with the Financial Control Procedure (Point 5).
15. Any trustee or member of staff who is submitting a quote or estimate for work from any business or activity outside their paid role with the Association, will not be part of the any decision-making meeting or process.

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16. Where the trustees are unsure about whether a circumstance brings a conflict of interest into play, they will take legal advice or advice from the charity commission.

**This policy was approved by the Board of Trustees and signed by the Chair on their behalf:**



**Date approved:** 11/11/2021

**Review date:** November 2024

**Protocol to manage conflicts of interest**

1. All trustees and senior staff will complete the Conflict of Interest form and a register of interests will be maintained and updated as required, with an annual review.
2. Every meeting of trustees will include, as a standing agenda item, an opportunity to declare an interest.
3. Where a trustee or senior member of staff is unsure whether a personal interest is in conflict with the interests of the Association, they should err on the side of caution and declare a potential interest.
4. All declarations of interest will be recorded in the minutes from that meeting.
5. A trustee or senior member of staff will be asked to leave a meeting where it is clear that a conflict of interest is involved and always be asked to withdraw if the matter to be discussed relates to them receiving a remuneration that is not a legitimate charity expense or is not part of their employed role.
6. When a conflict of interest has no direct financial implications, the chair of that meeting will decide whether the conflict of interest declared warrants the person who has made the declaration withdrawing from that part of that meeting altogether, or whether they can take part in the discussion, but not the decision or vote pertaining to the specific subject impacted by their declared interest.
7. When a conflict of interest arises that has, or may have, serious or legal implications for the charity, the Conflict of Interest checklist for Trustees, issued by the charity commission, must be referred to and adhered to at all times (see appendix 1).

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8. The Chair of Trustees will lead on any actions arising from a Conflict of Interest declaration, where further action outside the immediate meeting concerned needs to happen.
9. If the Conflict of Interest declaration relates to the Chair of Trustees, other trustees at that meeting will appoint an appropriate trustee to lead on any further actions.

This protocol is available to all staff and trustees and will form part of our induction for trustees and senior staff. It should be read and understood in conjunction with the Association's Confidentiality and Data Protection policy and our code of conduct.