

Parochial Church Council of St Matthew's, Triangle and All Saints Conflict of Interest Policy Reviewed February 2018

Introduction

The PCC of St Matthew's, Triangle and All Saints is a body corporate under the powers of the Parochial Church Council (Powers) Measure 1956. It is registered as a charity with the Charity Commission. Its members are Trustees of the charity, who have a duty to promote and defend the best interests of the charity at all times in accordance with the Measure.

This policy covers how the PCC, and all its sub-committees will manage the interests of its members and any conflict between them and the objects of the PCC. Because of the governance structure of the Parish of St Matthews, Triangle and All Saints, this policy is extended to apply to both PCC and DCC members.

Whilst they are a members of the PCC or DCC they have a duty to the parish and its PCC and this must take precedence. Conflicts of interest may arise where the interests of PCC/ DCC members or "connected persons" (e.g. their family or close colleagues) are incompatible or in competition with the interests of the charity.

According to the Charity Commission 'a conflict of interest is 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 appear to clash.'

Such clashes may create problems; they can:

- Inhibit free discussion
- Result in actions or decisions that are not in the interests of the charity
- Risk the impression that the charity has acted improperly

What types of interests need to be declared?

There are many different types of conflict of interest; the three most common are:

- **Direct Financial Conflict of Interest** – where a PCC/or DCC member is employed by the charity, or acting as a consultant or paid adviser. Or where the charity engages the services of a company where a PCC/or DCC member is employed, is a director or shareholder. Or where land is sold to or used by a Trustee. Or where a PCC/or DCC member grants loans to a charity.
- **Indirect Financial Conflict of Interest** – where financial benefits accrue to a close member of the PCC/or DCC member's family, a friend, business partner, employer or colleague of a PCC/or DCC member .
- **Non-Financial Conflicts of Interest** – where there may be a conflict of interest (often referred to as a conflict of duty or loyalty) should a PCC/or DCC member have another appointment or be associated in some way with another agency or organization operating in the same area of work as the Charity or providing the Charity with services or grant funding.

In all the above situations it is up to the PCC/or DCC member to determine whether his/her involvement in a matter relating to a third party represents a potential conflict of interest and should therefore be declared. If the Trustee is not sure what to declare, or whether and when a declaration needs to be updated, the Trustee should err on the side of caution.

How to Declare an Interest

In the normal course of events, trustees would not be expected to receive gifts. This policy is designed to address the rare circumstances in which they may be offered.

PCC/or DCC members are asked to declare their interests in addition to any gifts or hospitality received in connection with their role as PCC/or DCC member in the Charity. Any gifts or hospitality offered over £50 should be refused. A Declaration of Interests form is provided for this purpose via the PCC/DCC Secretary. The context of accepting a gift is relevant, for example, accepting a leaving gift of less than £50 in value would not give rise to a conflict of interest.

Interests should be declared at the beginning of a meeting when a relevant matter is on the agenda or as soon as the interest becomes apparent. There are four occasions when a Trustee's personal interests are likely to come into conflict with those of the charity and should be declared.

- **At Their First Meeting:** Every new PCC/or DCC member will be asked to complete a Declaration of Interests Form.
- **Annually:** after each APCM and prior to the first subsequent PCC meeting, Trustees will be asked to review their Declaration of Interests Form and either update it or confirm that it is still correct.
- **When any significant changes take place:** New matters should not wait until an annual declaration is made before being notified. PCC/or DCC members should notify the PCC Secretary of all changes or additions as soon as they are known to the PCC/or DCC member.
- **Verbally at any PCC/DCC meeting:** where specific relevant conflicts or potential conflicts may arise. At the start of each PCC/DCC meeting the Chair will ask for any declarations relevant to the agenda to be made known. PCC/or DCC members should also raise the matter during the course of the meeting as soon as a potential conflict arises.

If a PCC/or DCC member fails to declare an interest that is known to the PCC/DCC Secretary and/or the Chair of the PCC/DCC meeting, the PCC/DCC Secretary or Chair will declare that interest.

Register of Interests

The **Declaration of Interests form** will be used as the basis for recording a PCC/or DCC member's interests and gifts or hospitality received on the Charity's Register of Interests which is maintained by the PCC Secretary.

The information provided by PCC/or DCC members will be processed in accordance with data protection principles as set out in the Data Protection 1998. Data will be held only to ensure that Trustees act in the best interests of the Charity. Information provided to the Charity will not be used for any other purpose.

PCC/or DCC members naming a third party as a Connected Person on their declarations shall ensure that they have permission from that individual to pass personal data about that individual to the Charity. If there is a problem with obtaining consent please contact the PCC Secretary.

Procedure for dealing with conflicts of interest

PCC/or DCC member's should declare their interest at the earliest opportunity through the mechanisms identified earlier in the Policy.

Where conflicts of interest arise and the interest relates to a matter under discussion, the PCC/or DCC member or the PCC/DCC itself must decide whether the interest:

- Category (a) – is trivial and does not create a real danger of conflict of interest or bias or the appearance of bias;

- Category (b) – does not create a real danger of conflict of interest or bias, but might reasonably cause others to think it could influence a decision;
- Category (c) – creates a real danger of conflict of interest or bias (that is, the interest affects him/her, or a person or business connected to him/her, more than the generality affected by the decision).

Generally, the PCC/DCC will deal with conflicts as follows. In the event that the interest falls into:

- Category (a), if the declared conflict is judged to be trivial by the other PCC/or DCC members (who do not themselves have an interest in the matter), the PCC/or DCC member may vote.
- Category (b), it shall be at the discretion of the other PCC/or DCC members (who do not themselves have an interest in the matter) whether the PCC/or DCC member may remain in the meeting, but the PCC/or DCC member must not participate in the discussion, or vote, on the matter.
- Category (c), the PCC/or DCC member must leave the meeting, not participate in the discussion, or vote, on the matter.

The decision as to how the conflict of interest is to be dealt with must be set out in a resolution of the PCC/DCC. The resolution may require other steps to be taken, for example, requiring information to be kept confidential or other undertakings to be given by the Trustee.

PCC/or DCC members and the PCC/DCC should endeavour to ensure that a PCC/or DCC member with a conflict of interest under Category (c) is not provided with information in that capacity which enables him or her to obtain any advantage. In particular, the person who is responsible for sending information to the PCC/or DCC member prior to a PCC/DCC meeting should check the Register of Interests and take any other reasonable steps to ensure that no information is sent to a PCC/or DCC member who may have a conflict of interest relating to that information.

Where a PCC/or DCC member faces persistent or critical conflicts of interest, the PCC/or DCC and he or she will need to consider whether to withdraw and not vote is sufficient. He or she may need to resign.

PRIVATE AND CONFIDENTIAL

The Parish of St Matthew's Triangle and All Saints Declaration of Interest Form

I [insert name].....have set out below my interests in accordance with the PCC's Conflict of Interest policy.

Category	Please give details of the Interest and whether it applies to yourself or a person connected with you.
Current employment and any previous employment in which the PCC/DCC member continues to have a financial interest	
Appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals etc	
Membership of any professional bodies, special interest groups or mutual support organisations	
Investments in companies, partnerships and other forms of business, major shareholdings, beneficial interests where these are felt to constitute a potential conflict of interests. (Investments where the PCC/DCC member holding constitutes not more than a hundredth of the capital of the company may generally be omitted)	
Any contractual relationship with the Charity Ownership of any property that could create a conflict of interest	
Any other conflicts that are not covered above where there could be perceived to be conflicts of interests.	
Any other people, organisations, companies or institutions with whom you are "connected" (under charity or company law), whom you have not already referred to on this form.	

Register of Gifts and Hospitality received in previous 12 months Signed Date