

# Moira Replan Centre

## Conflicts of Interest Policy

This policy informs our charity trustees to identify and manage conflicts of interest. It sets out the requirements in relation to conflicts of interest and sets standards for our trustees on complying with these requirements. The trustees of Moira Replan are also subject to the provisions of the Companies Act 2006 in relation to conflicts of interest and are required to declare any interest in contracts or contracts. That Act also limits or does not allow certain types of conflict of interest, such as sales of property or loans from the charitable company to trustees of that company.

### What is a conflict of interest?

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.

We recognise that it is inevitable that conflicts of interest occur. The issue is not the integrity of the trustee concerned, but the management of any potential to profit from a person's position as trustee, or for a trustee to be influenced by conflicting loyalties. Even the appearance of a conflict of interest can damage the charity's reputation.

Trustees at Moira Replan cannot receive any benefit from their charity in return for any service they provide to the charity. "Benefit" includes any property, goods or services which have a monetary value, as well as money.

Trustees should not be in a position where their personal interests and their duty to the charity conflict, unless the possibility of personal benefit from which the conflict of interest arises is transparent. Trustees require explicit authorisation of the benefit by a unanimous committee decision, minuted in a full committee meeting. This applies to potential, as well as an actual, benefit from which a conflict of interest arises.

Any costs that are necessary to allow a trustee to carry out his or her duties can be classed as expenses and recovered from the charity or met directly by the charity. This may include travel costs and other appropriate costs, that may be necessary to enable inclusivity; Moira Replan may have to seek additional funding to enable these additional costs.

Where a trustee has a conflict of interest or loyalties on a particular issue, but there is no potential for profit, Moira Replan still requires this trustee to declare his or her interest and take no part in deciding that issue.

### Identifying conflicts of interest

Moira Replan deems a conflict of interest to be:

1. direct financial gain or benefit to the trustee, such as:
  - payment to a trustee for services provided to the charity;
  - the award of a contract to another organisation in which a trustee has an interest and from which a trustee will receive a financial benefit
2. indirect financial gain, such as employment by the charity of a spouse or partner of a trustee, where their finances are interdependent;
3. non-financial gain, such as when a user of the charity's services is also a trustee; and conflict of loyalties, such as where a trustee/committee member is appointed by the local authority or by one of the charity's funders, or where a friend of a trustee/committee member is employed by the charity.

## **When a conflict of interest affecting a trustee/committee member arises during a meeting**

If any participant of the Moira Replan trustees finds that the subject matter in a meeting may lead to a conflict of interest, this must be declared at the earliest convenient point in the meeting. This relates to their personal circumstances, or those of anyone they are aware of in the meeting.

Declarations of interest must be clearly identified within the minutes of the meeting, including any need to withdraw and reasons for not doing so.

As a rule, those with significant conflicts of interest should withdraw from the meeting. The meeting needs to determine whether there could be an issue of bias in the matter. Committee members allowed to stay in the meeting are not allowed to vote on the subject matter.

The chair of the meeting must take a decision as to the need for the member of the meeting to withdraw or not from proceedings. Where this involves the chairperson, the deputy chairperson will take the decision.

If the chairperson declares a conflict of interest, the chairperson should vacate the seat and the meeting for that agenda item. If there is no deputy chairperson present, the meeting must first elect a chair from within their number by a show of hands.

## **Maintaining a Register of Interests**

All trustees are required to complete an annual declaration of interest's form. Forms are retained in a Register of Interests folder. This is held by the Chairperson. It is a public document available for inspection under the Freedom of Information Act. The register is updated twice a year and where applicable, is inspected annually by the auditors.

## **Checklist for trustees**

A Charity Commission checklist for checking appropriate procedure for conflicts of interest is:

1. If you have identified that a conflict of interest exists, are you, or is the trustee/committee member concerned, receiving a material benefit as a result of that conflict of interest?

If no, have you, or has the trustee/committee member, declared the interest in the register of interests and not taken part in any discussions or voting on that issue?

If yes, has the benefit been authorised?

2. Does the governing document contain authority for the benefit arising from the conflict of interest?

If yes, have the charity's trustees/committee members complied strictly with the terms of the authority contained in the governing document?

If no, have the charity's trustees/ committee members applied to the Commission for authority

3. Once the charity's trustees/committee members have the necessary authority, are there procedures in place to manage the conflict of interest effectively?

If no, have the charity's trustees/committee members ensured that procedures are put in place for managing conflicts of interest?

4. Have the charity's trustees/committee members ensured that any benefit received by the trustees/committee members is disclosed in the annual report and accounts?

# REGISTER OF INTERESTS DECLARATION FORM 2022

**Declaration of Interests for Period: December 2022 to December 2023**

I, ..... hereby declare that I have the following interests/no interests (delete as appropriate) to declare that are relevant or material to the committee of Moira Replan.

Signed..... Print Name ..... Date.....

## List of your Interests:

Name of organisation, address or individual where interest is held	Position/Interest Held

If you have an additional interest, please enter them on an additional sheet, sign, print your name and date the sheet and attach to the declaration form.  
Please note, should your circumstances change, you must notify the secretary of the committee at the time the change occurs. Thank you.

Revised 2022

Signed Chairperson of Trustees