

# Conflict of Interest Policy for the PCC of St Mark, Bramley

## Introduction

This policy applies to all members and officers of the Parochial Church Council (PCC), the Standing Committee, and all members of sub-committees of the PCC.

The PCC has a legal obligation to act in the best interests of the Parish Church of St Mark, Bramley and in accordance with Church of England Measures, (ref 1). The PCC is also a charity registered with the Charity Commission and its members are Trustees of the charity. Trustees have a legal duty to act only in the best interests of their charity. They are expected to take appropriate steps to demonstrate that they and their sub-committees are fulfilling their duties in line with the requirements of the Charity Commissions Guidance, (Ref 2). In this Policy the conflicts of interest requirements applying to Trustees shall also be read as applying to all members of sub-committees of the PCC.

According to the Charity Commission (Ref 2):

- **A Conflict of Interest** is any situation in which the personal interests or loyalties of a Trustee or "connected persons" (e.g. their family or close colleagues), could, or could be seen to prevent them from making a decision only in the best interests of the charity.
- **Conflict of loyalty** is a particular type of conflict of interest in which a Trustee's loyalty or duty to another person or organisation could prevent the trustee from making a decision only in the best interests of the charity.
- **Legal requirement: a Trustee must declare a conflict of interest immediately they are aware of any possibility that their personal or wider interests could influence their decision-making.**

Conflicts of interest can: inhibit free discussion, result in actions or decisions that are not in the interests of the charity, and risk the impression that the charity has acted improperly.

Trustees' personal and professional connections can bring benefits to the work of a charity and they often form part of the reason why an individual has been asked to join the Trustee body. However, they can give rise to conflicts of interest, to which the Trustees must respond effectively. The existence of a conflict of interest does not reflect on the integrity of the affected Trustee, so long as it is properly addressed.

## What types of interests need to be declared?

A Trustee would have a conflict of interest if the charity is thinking of making a decision that would mean:

- they, or a "connected person" could benefit financially or otherwise from the charity, either directly or indirectly through someone they're connected to
- their duty to the charity competes with a duty or loyalty they have to another organisation or person

## How to Declare an Interest

There are four occasions when the personal interests of a Trustee should be declared.

- **At their first meeting:** Every new member of a PCC or sub-committee 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:** Trustees should notify the PCC Secretary of all changes as soon as they are known.
- **Verbally at any PCC meeting or Sub-Committee.** At the start of each meeting the Chair will ask for any declarations relevant to the agenda to be made known. Declarations should also be made and recorded during the course of a meeting as soon as a potential conflict arises.

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

### **Register of Interests**

The Declaration of Interests form will be used as the basis for recording of Trustees' interests, loyalties, and gifts or hospitality received. It is maintained and kept by the PCC Secretary.

Information provided 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.

### **Procedure for dealing with conflicts of interest**

Where conflicts of interest arise and the interest relates to a matter under discussion, the Trustee, or the PCC 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. In this case the Trustee or member may vote
- **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. In this case the other Trustees/members shall decide whether the Trustee/member may remain in the meeting, but the Trustee/member must not participate in the discussion, or vote, on the matter.
- **Category (c)** – creates a real danger of conflict of interest or bias. In this case, the Trustee or member must leave the meeting, not participate in the discussion inside or outside of the meeting, or vote, on the matter. Trustees and the PCC should endeavour to ensure that a Trustee with a conflict of interest under Category (c) is not provided with information which enables them to obtain or provide any advantage.

The decision as to how the conflict of interest is to be dealt with must be declared and recorded in the minutes.

### **References**

1. Church of England, LEGAL ADVISORY COMMISSION PAROCHIAL CHURCH COUNCILS: LEGAL POSITION OF MEMBERS (2013)
2. Charity Commissions Guidance, "Conflicts of interest: a guide for charity trustees (CC29), May 2014