

## **Appendix 9 – Conflict of interest policy**

This policy applies to trustees of the Friends of King Henry's Walk Garden charity and members of the management committee of King Henry's Walk Garden.

### **Why we have a policy**

Trustees have a legal obligation to act in the best interests of King Henry's Walk Garden and in accordance with the Friends of King Henry's Walk Garden's governing document, and to avoid situations where there may be a potential conflict of interest. Members of the management committee have similar obligations.

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of King Henry's Walk Garden. Such conflicts may create problems; they can:

- inhibit free discussion;
- result in decisions or actions that are not in the interests of King Henry's Walk Garden, and
- risk the impression that King Henry's Walk Garden has acted improperly.

The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

### **The declaration of interests**

Accordingly, we are asking trustees and members of the management committee to declare their interests, and any gifts or hospitality received in connection with their role in King Henry's Walk Garden.

To be effective, the declaration of interests needs to be updated at least annually, and also when any changes occur.

If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the Secretary for confidential guidance.

This register of interests shall also be used to record all gifts of a value over £50 received by the trustees and committee members. Interests and gifts will be recorded on the charity's register of interests, which will be maintained by Amanda Hall.

The register will be accessible by all members of King Henry's Walk Garden on request.

### **Data protection**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure trustees and members of the management committee act in the best interests of the charity. The information provided will not be used for any other purpose.

### **What to do if you face a conflict of interest**

If you are a user of King Henry's Walk Garden's services, or the carer of someone who uses King Henry's Walk Garden's services, you should not be involved in decisions that directly affect the service that you, or the person you care for, receive(s). You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if you face a conflict for any other reason.

You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal. If you fail to declare an interest that is known to other trustees, those other trustees will declare that interest.

**Decisions taken where a trustee or committee member has an interest**

In the event of the board of trustees or management committee having to decide upon a question in which a trustee or member has an interest, all decisions will be made by vote, with a simple majority required. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate. Interested board members may not vote on matters affecting their own interests.

All decisions under a conflict of interest will be recorded by the charity secretary and reported in the minutes of the meeting. The report will record:

- the nature and extent of the conflict;
- an outline of the discussion;
- the actions taken to manage the conflict.

Where a trustee benefits from the decision, this will be reported in the annual report and accounts in accordance with the current Charities SORP.

All payments or benefits in kind to trustees will be reported in the charity's accounts and annual report, with amounts for each trustee listed for the year in question.

Where a trustee is connected to a party involved in the supply of a service or product to the charity, this information will also be fully disclosed in the annual report and accounts. Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.