



HOPE For Paediatric Epilepsy

L O N D O N

# Trustee Conflict of Interest Policy



## **HOPE for Paediatric Epilepsy: London**

### **Trustee Conflict of Interest Policy**

#### **Purpose**

HOPE for Paediatric Epilepsy: London recognises the invaluable work of trustees. The purpose of this policy is to clarify what constitutes a conflict of interest and how these are managed.

#### **Trustee Conflict of Interest**

A trustee should make decisions based on what is best for the charity. A trustee should not allow personal interests, or the interests of people/organisations connected to them to influence these decisions.

There are two main conflicts of interests:

##### **\*Financial Conflicts**

When a trustee, or person/organisation connected to them, could get money or something else of value from a trustee decision. This does not include trustee expenses. Examples given by the Charity Commission includes buying goods from a business owned by the trustee and employing or paying the trustee, or their relative for some work for HOPE for Paediatric Epilepsy: London.

##### **\*Loyalty Conflicts**

Other reasons that a board member may not be able to make decisions that are best for the charity. The Charity Commission includes examples such as the trustee being influenced by their employer or their relatives.

Generally, a potential conflict of interest will occur when a board member has a connection to another organisation or person that we have a financial, or other working arrangement with, either as:

- Family – his or her partner, child etc or:
- Organisation – as a trustee, board member, member of staff or similar.



## **Identifying Trustee Conflict of Interest**

Any potential conflict of interest should be identified at an early stage if at all possible.

A record of any professional or personal interest that may make it difficult for a trustee to fulfil their duties impartially, or may create an appearance of impropriety, with any item on the agenda for that day's meeting is to be noted in the minutes of the meeting. Specifically:

- If a trustee is in any way, directly or indirectly, interested in a proposed transaction or arrangement with the organisation, s/he must declare the nature and extent of that interest to the other trustees
- If a declaration of interest proves to be or becomes inaccurate or incomplete, a further declaration must be made
- Any required declaration of interest must be made before the charity enters into the transaction or arrangement
- A declaration is not required in relation to an interest of which the trustee is not aware or where the trustee is not aware of the transaction or arrangement in question. For this purpose a trustee is treated as being aware of matters of which s/he ought reasonably to be aware.

If a trustee states a conflict of interest s/he will normally be requested to leave the meeting while the relevant agenda item is discussed.

## **Potential Trustee Conflict of Interest**

A charity may pay and offer other material benefits, to one or more of its trustees to provide services to the charity, where the trustee board reasonably believes it to be in the charity's best interests to do so. The services in question must be ones which the charity trustee provides in addition to carrying out normal trustee duties. Any such proposal would be treated on a case for case basis and would only be approved subject to compliance with the Articles of Association and Charity Commission guidance.

Where an individual is not part of the decision-making process, there is no direct conflict of interest. However, where he/she has a relationship with the organisation, or individual trustee/director, the perception could arise that the trustees haven't acted in the organisation's best interests, because of this.

## **Managing Trustee Conflict of Interest**

To manage these issues, the Board will ask themselves these kinds of questions:

- Is this the best use we might make of our limited resources?
- If so, might anyone else be able to provide this service?



- If there are others, in terms of cost, quality, availability etc, who would be the best provider?

### **Recording Trustee Decisions**

Conflicts of interest will be recorded in the minutes, together with the key points and decision(s) made, in sufficient detail to enable a reader to understand the issue and the basis on which the decision was made.

The Charity Commission states this should include:

- \*the nature of the conflict
- \*which trustee or trustees are affected
- \*whether these conflicts were declared in advance
- \*an outline of the discussion
- \*whether anyone withdrew from the discussion
- \*how the trustees took the decision in the best interests of the charity

Reviewed and Updated: November 2022 by Louise Miller (Trustee)

Checked and reviewed: November 2022 by Dr Nadine Gurr (Chair)

Date of next review: November 2023