

Conflict of Interest Policy

Trustees have a legal obligation to act in the best interests of Third Angel, in accordance with our governing document, and to avoid situations where there may be a potential conflict of interest. Staff have similar obligations. This policy applies to trustees and all staff.

1. ABOUT CONFLICTS OF INTEREST

- 1.1. Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of Third Angel.
- 1.2. Such conflicts may create problems; they can:
 - inhibit free discussion
 - result in decisions or actions that are not in the interests of Third Angel
 - risk the impression that Third Angel has acted improperly.
- 1.3. The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety and to meet our legal obligations in terms of:
 - The Companies Act 2006.
 - The Charities Act 2011.
 - Our governing documents (Memorandum & Articles of Association)

2. DECLARATION OF INTERESTS

- 2.1. Trustees and staff are asked to declare their interests, and any gifts or hospitality offered and received in connection with their role in Third Angel.
- 2.2. A Related Party form is provided to senior staff and trustees for the purpose of monitoring significant relationships that could result in a conflict of interest. Staff and trustees update their Related Party forms annually and when any material changes occur.
- 2.3. If individuals are not sure what to declare, or whether/when their declaration needs to be updated, they are encouraged to err on the side of caution or contact the Executive Producer for confidential guidance.
- 2.4. Hospitality and gifts of a value over £5 received by the trustees or staff will be recorded on the charity's register of interests, which will be maintained by the Executive Producer.

3. DATA PROTECTION

- 3.1. 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 that trustees and all staff act in the best interests of the charity. The information provided will not be used for any other purpose.

4. WHAT TO DO IF YOU FACE A CONFLICT OF INTEREST

4.1. If you believe you have a perceived or real conflict of interest you should:

- declare the interest at the earliest opportunity
- withdraw from discussions and decisions relating to the conflict.

4.2. If you are user of Third Angel's services, or the carer of someone who uses Third Angel's services, you should not be involved in decisions that directly affect the service that you, or the person you care for, receive(s).

4.3. If you fail to declare an interest that is known to the Chief Executive and/or the Chair, the Chief Executive or Chair will declare that interest.

5. MANAGING CONFLICTS OF INTEREST AT BOARD MEETINGS

5.1. If a conflict of interest arises for a trustee because of a duty of loyalty owed to another organisation or person and the conflict is not authorised by virtue of any other provision in the charity's governing document, the unconflicted trustees may authorise such a conflict of interests where the following conditions apply:

- the conflicted trustee is absent from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person;
- the conflicted trustee does not vote on any such matter and is not counted when considering whether a quorum of trustees is present at the meeting;
- the unconflicted trustees consider it is in the interests of the Company to authorise the conflict of interest in the circumstances applying.

5.2. All decisions under a conflict of interest will be recorded by the minute taker and reported in the minutes of the meeting.

5.3. The report will record:

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

5.4. Special care should be taken to ensure that minutes or other documents relating to the item presenting a conflict are appropriately redacted for the person facing the conflict. A balance needs to be made to ensure that the person still receives sufficient information about the activities of the charity generally without disclosing such sensitive information that could place the individual in an untenable position. Where a trustee benefits from the decision,

this will be reported in the annual report and accounts in accordance with the current Charities SORP.

- 5.5. 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.

6. TRUSTEES WHO PROVIDE SERVICES TO THE CHARITY

- 6.1. The Charities Act 2011 (sections 185–188) provides charities with powers to remunerate trustees for providing services over and above their normal trustee duties, or to remunerate people or organisations who are connected to a trustee for provision of services.
- 6.2. Under section 188 of the Act, a person is connected with a trustee if they are:
- a) a child, parent, grandchild, grandparent, brother or sister of the trustee;
 - b) the spouse or civil partner of the trustee or of any person falling under paragraph a);
 - c) a person carrying on business in partnership with the trustee or with any person falling within paragraph a) or b).
- 6.3. The following conditions must met before any trustee or connected person is entitled to receive remuneration for services rendered:
- the amount, or maximum amount, to be paid in relation to the service to be provided should be set out in writing between the trustees, or the charity, and the relevant person. Such amounts should not exceed what is reasonable;
 - the trustees should be satisfied that such an action is in the best interests of the charity;
 - the total number of trustees receiving a payment, (including those with connected persons receiving payments), from the charity is a minority of the total trustee body.

7. MANAGING STAFF CONFLICTS OF INTEREST

- 7.1. Staff will be expected to disclose any connections to people or organisations who supply services or products to the charity through discussions at company meetings or with their line manager.
- 7.2. Staff must not be involved in managing or monitoring a contract in which they, or a person connected to them, have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

7.3. Where a member of Third Angel's staff is connected to a party involved in the supply of a service or product to the charity, this information will be fully disclosed in the annual report and accounts.

We are committed to reviewing our policy and good practice regularly.
This policy was last reviewed in June 2022

Signed: 

Name: Rachael Walton
Position: Executive Director