



Conflict of Interest Policy

Name of Policy	Conflict of Interest Policy
Aim of Policy	The aim of this policy is to protect both the Norfolk Archaeological Trust and the individuals involved in its work from any appearance of impropriety.
Related Organisational Aims & Objectives	
Intended Audience	Council Members, Staff and Volunteers
Approved By	NAT Council
Date Adopted/Reviewed	10.01.17 / January 14 2021
Review Cycle	Annually
Review Due Date	January 2022
Individual Responsible for Review	Director
Comments on Last Review	

Norfolk Archaeological Trust Conflict of Interest Policy

AIM: The aim of this policy is to protect both the Norfolk Archaeological Trust and the individuals involved in its work from any appearance of impropriety.

OBJECTIVES:

The Trust will:

- Request all Council Members and the Director to complete 'declaration of interests' forms, to be updated annually, and when any material changes occur
- Maintain an up-to-date 'Register of Interests' of Council Members and the Director
- Include 'Conflict of Interests' as a standard agenda item for all Council meetings
- Where conflicts of interest are identified, follow the procedure as set out in the supporting 'Procedure' notes to this policy
- Report in the charity's accounts and annual report all payments or benefits in kind to Council Members
- Review this policy at least every two years
- Include this policy and procedure information in Council Member recruitment documents

Signed

Name

Chairman of the Norfolk Archaeological Trust

Date January 2017

Norfolk Archaeological Trust Conflict of Interest Policy and Procedure

This policy and procedure applies to Council Members and the Director

In this document the following definitions apply:

‘Charity’ refers to the Norfolk Archaeological Trust

‘Connected Persons’ refers to Council member spouses, partners, children, parents and businesses in which the Council member or Director has more than a negligible interest.

Conflict of Interest: definition

The Charity Commission defines a conflict of interest as ‘any situation in which a trustee’s personal interests or loyalties could, or could be seen to, prevent the trustee from making a decision only in the best interests of the charity.’

Why we have a policy

Council Members have a legal obligation to act in the best interests of the Norfolk Archaeological Trust and in accordance with its Memorandum of Association, and to avoid situations where there may be a potential conflict of interest.

Conflicts of interest may arise where either:

- **Benefits to members:** there is a potential financial or measurable benefit directly to a Council Member, or indirectly through a Connected Person; or
- **Conflict of loyalty:** a Council Member’s duty to the charity may compete with a duty or loyalty they owe to another organisation or Connected Person

Such conflicts can:

- inhibit free discussion
- result in decisions or actions that are not in the interests of the charity
- risk the impression that the charity 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

To avoid the problems identified above, Council Members and the Director are requested to declare their interests, and any gifts or hospitality offered and received in connection with their role in the charity.

A 'declaration of interests' form is provided for this purpose, listing the types of interest you should declare. To be effective, the declaration of interests must be updated at least annually, and when any material changes occur. These will form the basis of a Register of Interests maintained by the charity secretary.

If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution, and discuss your concerns with the Council Chairperson.

The Register of Interests will be used to record all gifts of a value over £10 and hospitality over £15 received by Council Members and the Director, as well as interests. The register will be accessible by all Council Members and the Director.

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 that Council Members and the Director 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 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 unless expressly invited to remain in order to provide information. In this case you may not participate in, or influence, the decision or any vote on the matter. You will not be counted in the quorum for that part of the meeting and must withdraw from the meeting during any vote on the conflicted item.
- There are situations where you may participate in discussions from which you could indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal. This action will be agreed by the Chairperson and minuted accordingly.

At the start of every Council meeting the Chairperson will ask all Council Members and the Director to declare any conflicts of interest they foresee arising from items on the published agenda or otherwise.

If you fail to declare an interest that is known to the charity secretary and/or the chairperson, the Charity Secretary or Chairperson will declare that interest.

Decisions taken where a Council Member or the Director has an interest

In the event of Council having to decide upon a question in which a Council Member or the Director 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 Council Member benefits from a Council 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 Council Members will be reported in the charity's accounts and annual report, with amounts for each Council Member listed for the year in question.

In cases of serious conflicts of interest Council may decide to:

- not pursue the identified course of action
- proceed with the issue in a different way so that a conflict of interest does not arise
- not appoint a particular Council Member; or secure a Council Member's resignation

Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.

Managing contracts

Council Members or the Director must not be involved in managing or monitoring a contract in which they 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.

New Council Members

Prospective Council Member should be asked about potential conflicts of interest, and these should be declared to those who will decide on the appointment. Where prospective Council Members are likely to be subject to serious or frequent conflicts of interest, Council should consider whether that Council Member should be appointed

Review

This Policy and Procedure will be reviewed every two years.

SAMPLE Council member declaration of interests form

I as employee/Council Member* [*delete as appropriate] of Norfolk Archaeological Trust have set out below my interests in accordance with the organisation’s conflicts of interest policy.

Category	Please give details of the interest and whether it applies to yourself or, where appropriate, a member of your immediate family, connected persons or some other close personal connection
Current employment and any previous employment in which you continue to have a financial interest.	
Appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals etc.	
Membership of any professional bodies, special interest groups or mutual support organisations.	
Investments in unlisted companies, partnerships and other forms of business, major shareholdings [charities may set a figure here, e.g. more than 1% or 5% of issued capital] and beneficial interests.	
Gifts or hospitality offered to you by external bodies and whether this was declined or accepted in the last twelve months.	
Do you use, or care for a user of the organisation’s services?	
Any contractual relationship with the charity or its subsidiary	
Any other conflicts that are not covered by the above.	

To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.

Signed:

Position:

Date:

SAMPLE: Trust Register of interest

Name of trustee	Description of interest	Does the interest relate to the trustee or a person closely connected to the trustee (describe)?	Is the interest current?
<i>Mr. T. Smith</i>	<i>Joint owner of catering company Member of the local authority</i>	<i>Trustee, other joint owner is the trustee's daughter</i>	<i>Current</i>
<i>Mrs. A Jones</i>	<i>Employee of ABC charity with similar aims and objectives working in the same area</i>	<i>Trustee</i>	<i>No, trustee resigned post in 2015</i>
<i>Mr. A. Wright</i>	<i>Trustee of xyz charity</i>	<i>Trustee</i>	<i>Current</i>
<i>Miss. R. Clifford</i>	<i>Was bought lunch to value of £40 by representative of a photocopying machine supplier</i>	<i>Trustee</i>	<i>Current</i>