Friends of Anderton and Marbury (FoAM)

Policy 2 - Conflicts of Interest

Identifying and dealing with conflicts of interest

1. This Conflicts of Interest policy is intended to inform Trustees:
    - how to identify a conflict of interest.
    - how an individual Trustee should declare a conflict of interest.
    - what all the Trustees need to do about any conflict of interest.
    - circumstances in which conflicts of interest commonly happen.

2. Trustees of the charity, Friends of Anderton and Marbury, must make decisions based only on what's best for the charity, and must not allow personal interests, or the interests of people or organisations they may be connected with, to influence these decisions.

3. Trustees must follow any rules in the Constitution about conflicts of interest.

4. If a Trustee personally has a conflict of interest, they must declare this to other Trustees before discussions or decisions happen and will normally not take part in any discussion and will be excluded from any vote on the decision.

5. Trustees must not ignore something that might be a conflict for themselves or another Trustee, and must talk to the other Trustees if they are not sure.

6. All Trustees, not just the Trustees with the conflict of interest, must identify and deal properly with the conflict. Otherwise, they will not meet their joint legal responsibility to make decisions.

7. A record must be kept of any conflict of interest which occurs. Depending on the circumstances, the record could include some or all of the following:
    - what the conflict was.
    - who or what it affected.
    - when was it declared.
    - how it was managed.

8. Trustees should consider removing conflicts of interest or take steps to prevent a conflict of interest from affecting decisions.

There are two common types of conflict of interest: financial conflicts and loyalty conflicts.

Financial conflicts

9. Financial conflicts happen when a Trustee, or person or organisation connected to them could obtain money or something else of value from a Trustee decision.

10. The Constitution of Friends of Anderton and Marbury does not allow any Trustee to benefit from the charity (excluding reasonable expenses).

11. To meet this requirement in the Constitution, Trustees of Friends of Anderton and Marbury do not:
    - pay a Trustee for carrying out their Trustee role (more than their expenses).
    - pay a Trustee, or their relative, for some work at the charity.
    - sell, loan or lease charity assets to a Trustee.
    - buy, borrow or lease charity assets from a Trustee.
    - buy goods from a business owned by a Trustee.

Loyalty conflicts

12. These conflicts are not about money or other Trustee benefits. They happen when, for other reasons, a Trustee might not be able to make decisions that are best for the charity.

13. The close working relationship between Friends of Anderton and Marbury and the Council's Countryside Officer could give rise to potential conflicts of interest. To manage and avoid this conflict:
    - no one who is employed by Cheshire West and Council will be appointed as a Trustee.
    - any Trustee who subsequently becomes an employee of Cheshire West and Chester Council will be asked to resign as a Trustee.
    - some Trustees might volunteer with the Council's Countryside Officers to carry out practical work helping manage or improve the Woodlands and, any Trustee involved in this way, should declare if something they undertake in this work gives rise to any conflict with their role as a Trustee.

14. It is in the interests of Friends of Anderton and Marbury for the Council's Countryside Officers to be present at its Committee Meetings. To manage and avoid the conflict of interest, the Council's Countryside Officers are excluded from being Trustees and are invited to attend Committee Meetings as ex-officio members, with no voting rights.

15. The Mersey Forest organisation provides help and assistance to the Friends of Anderton and Marbury and it is in the interests of the Group for a representative to be present at Committee Meetings. To manage and avoid any possible conflict of interest, the Mersey Forest's representative is excluded from being a Trustee and is invited to attend Committee Meetings as an ex-officio member, with no voting rights.

16. Canal & River Trust and Forest England (formerly Forestry Commission) own land in the Woodlands. This gives rise to a potential conflict of interest if individuals working for either organisation were also Trustees of FoAM, so those individuals could be invited to be ex-officio members of the Committee, but would be excluded from becoming Trustees.

17. Individuals working for other organisations could also be barred from becoming Trustees, as decided by FoAM's Committee.

Approved by FoAM Trustees
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