



Conflict of Interest Policy

Trustees have a personal responsibility to declare conflicts of interest if they are to fulfil their legal duty to act only in the best interests of Dunton Community Garden.

In particular, section 13 Finance of The Constitution states that:

- ii. The trustees may employ, or enter into a contract for the supply of goods and services and hiring or renting land with one of their number. Before doing so the trustees must be satisfied that it is in the best interests of the charity. In reaching that decision they must balance the advantage of employing a trustee against the disadvantages of doing so. The remuneration or other sums paid must not exceed an amount that is reasonable in all the circumstances. The trustees must record the reason for their decision.
- iii. A trustee must be absent from the part of any meeting at which their employment or remuneration, or any other matter concerning the contract, are discussed. He or she must not vote on any matter relating to his or her employment or contract and must not be counted when calculating whether a quorum of trustees is present at the meeting.
- iv. For this clause, the term "trustee" shall include any child, parent, grandchild, grandparent, brother, sister, spouse or any person living with the trustee as his or her partner.

A conflict of interest is:

- a situation in which the concerns or aims of two different parties are incompatible.
- a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

A conflict of interest exists even where there is the possibility that a Trustee's personal or wider interests could influence the Trustee's decision making.

Even the perception that there is a conflict of interest can damage Dunton Community Garden. Where the perception is not accurate because there is no conflict of interest, Dunton Community Garden Trustees should always be able to respond appropriately to the situation by managing the risks to Dunton Community Garden and being prepared to explain how they have made their decisions only in the best interests of Dunton Community Garden.

Conflicts of interest relate to a Trustee's personal interests and the interests of those connected to them. This means that there is a conflict of interest where there is a proposed transaction between Dunton Community Garden and a connected person/organisation. Similarly, there is a conflict of interest where there is a benefit or a potential benefit to a connected person.

Conflicts of interest usually arise where either:

- there is a potential financial or measurable benefit directly to the Dunton Community Garden, Trustee or indirectly through a connected person
- a Trustee's duty to Dunton Community Garden may compete with a duty or loyalty they owe to another organisation or person

Conflicts of loyalty

These conflicts of interest arise because, although the affected Dunton Community Garden Trustee does not stand to gain any benefit, the member's decision making at the charity could be influenced by his or her other interests.

For example, a member's loyalty to Dunton Community Garden could conflict with his or her loyalty to

- another organisation, such as their employer
- another charity of which they are a Trustee
- a member of their family
- another connected person or organisation

The test is always that there is a conflict of interest if the Trustee's other interest could, or could be seen to, interfere with their ability to decide the issue only in the best interests of Dunton Community Garden.

Some conflicts of loyalty arise because a Dunton Community Garden Trustee has a competing legal obligation or duty to another organisation or person. Others result from conflicting loyalties which Dunton Community Garden Trustees owe or may feel towards family, friends or other people or organisations who are part of their network. A conflict of loyalty could also arise where the religious, political or personal views of a Dunton Community Garden Trustee could interfere with their ability to decide the issue only in the best interests of Dunton Community Garden.

Disclosure of personal interests

Where you have a personal interest in any business of Dunton Community Garden and you attend a meeting at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. This includes business and personal interests and those of their spouse, partner, family and close relatives.

You must not seek improperly to influence a decision about that business.

The declaration of interests does not in itself resolve the conflict. Additional measures to resolve or manage the conflict positively must be considered. The conflicted Trustee could:

- not participate in decision-making on the affected matters
- abstain from voting on decisions
- withdraw from discussion on affected proposals and plans
- a combination of all of the above

Details of the discussions and decisions made will be recorded in the minutes of the meeting.

In any situation which is not explicitly permitted where a trustee will receive a benefit, Dunton Community Garden will obtain legal authority before any transaction involving trustee benefit is undertaken.