

CONFLICT OF INTEREST POLICY

Review date: November 2027

General

Those responsible for administering a charity (the 'charity trustees') must act in the best interests of the charity. Amongst other things, that requires them and staff and volunteers to avoid anything that prevents decisions being taken by reference to other considerations. It also follows that charity trustees need to avoid putting themselves in a position in which their duty to act only in the best interests of the charity could conflict with any personal interest they may have.

This has implications in practice for both individual charity trustees and for the charity trustees collectively:

- individual charity trustees must identify and declare any conflict of interest on their part; and
- the charity trustees collectively must ensure that they have arrangements in place that enable conflicts of interest to be identified and dealt with effectively.

The early identification of conflicts of interest is therefore key to ensuring that both individual charity trustees and the charity trustees collectively do what is expected of them.

All staff, volunteers, members of the ministry team and standing committee members the PCC of West Grinstead, which includes the Parish Church of St George and the church of St Michael & All Angels, Partridge Green, will strive to avoid any conflict of interest or loyalty between the interests of the church on the one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest, and what might be seen as a conflict of loyalty.

The purpose of this policy is to protect the integrity of the PCC's decision-making process, to enable our beneficiaries and other users to have confidence in our integrity, and to protect the integrity and reputation of volunteers, staff and PCC members.

This policy is in addition to good judgment rather than to replace it; and staff, volunteers and standing committee or other sub-committee members should respect its spirit as well as its wording.

Examples

Examples of conflicts of interest (though this list is not exhaustive) include:

1. A PCC member who is also a Church Room user who must decide whether fees from Church Room users should be increased.
2. A PCC member who is related to a member of staff and there is decision to be taken on staff pay and/or conditions.
3. A PCC member who is also on the committee of another organisation that is competing for the same funding or use of the church hall.
4. A PCC member who has shares or is otherwise involved, including as an employee, in a business that may be awarded a contract to do work or provide services for the organisation.

Obligation to Disclose

Each PCC member, member of staff and member of the Ministry Team will make a full, disclosure of interests, such as relationships, and posts held, that could potentially result in a conflict of interest as regards matters to be decided at any meeting of the PCC (or any Committee or working group of the PCC). This disclosure will be recorded in the minutes of the relevant meeting between the PCC's best interests and the PCC members personal best interests or a conflict between the best interests of two organisations that the committee members are involved with.

Parish of West Grinstead

(the Parish church of St George and the church of St Michael & All Angels, Partridge Green)

Upon appointment at the APCM each PCC member will be asked to sign an eligibility form as shown in the Appendix. On the back of the Eligibility form there is an HMRC Fit and Proper Persons Declaration.

If any conflict of interest is applicable, the obligation will remain on the individual to declare it subsequently if one should arise thereafter.

This written disclosure will be kept on file in the minutes of any relevant meeting. In the course of meetings or activities, PCC members will disclose any interests in a transaction or decision where there may be a conflict between the PCC's best interests and the PCC members personal best interests or a conflict between the best interests of two organisations that the committee members are involved with.

- (a) Subject to paragraph (c) below, where a conflict of interest arises in connection with a personal benefit, the member concerned must withdraw from the meeting and not take part in any discussions relating to it.*
- (b) Subject to (c) below, where a conflict of loyalty arises, the PCC will consider what level of participation, if any, is acceptable on the part of the conflicted member, having regard to the duty to act in the best interests of the PCC. However, the normal expectation will be that the conflicted member should withdraw from the meeting during discussion of the item of business in question.*
- (c) A member need not withdraw from a meeting if his or her interest (whether financial or non-financial) is common to a class of persons and is neither (i) significant nor (ii) substantially greater than the interests of other members of that class.*

Minutes of the PCC

Any such disclosure and the subsequent actions taken will be noted in the Minutes.

This policy was approved by the PCC at a meeting held on 21 November 2023

Signed  Rector.....Position
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APPENDIX

PCC Member Trustee Eligibility Declaration¹

As a PCC Member, you are a charity trustee. By signing this form, you confirm that you are not disqualified as a matter of law from acting as a charity trustee and, by signing overleaf, you confirm that you meet HMRC's requirements to be considered a "Fit and Proper Person".

You are disqualified from acting as a charity trustee if you have an **unspent² conviction** for:

- a dishonesty or deception offence³;
- a terrorism offence to which Part 4 Counter-Terrorism Act 2008 applies, or under ss. 13 or 19 Terrorism Act 2000;
- a money laundering offence within the meaning of s. 415 Proceeds of Crime Act 2002;
- a bribery offence under ss. 1, 2, 6 or 7 Bribery Act 2010;
- an offence of contravening a Commission Order or Direction under s. 77 Charities Act 2011;
- an offence of misconduct in public office, perjury or perverting the course of justice;
- In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence.

You are also disqualified from acting as a charity trustee if you:

- are subject to notification requirements under sexual offences legislation (commonly referred to as being on the sex offenders register) even if your conviction is spent;
- are currently declared bankrupt or are subject to bankruptcy restrictions or an interim order, including an individual voluntary arrangement (IVA) - limited exceptions apply;
- are subject to a debt relief order under the Insolvency Act 1986, a debt relief restrictions order, an interim order under that Act, or a failure to pay under a County Court Administration Order;
- are disqualified from being a company director - limited exceptions apply;
- are disqualified from being a charity trustee by an Order made by the Charity Commission pursuant to s.181A Charities Act 2011.
- have previously been removed as a trustee, officer, agent or employee of a charity by the Charity Commission, the High Court or the Scottish charity regulator due to misconduct or mismanagement;
- have been found guilty of disobedience to an order or direction of the Charity Commission under s.336(1) Charities Act 2011;
- have been found to be in contempt of court for making, or causing to be made, a false statement, including in a document verified by a statement of truth;
- are a designated person for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011.

I declare that I am not disqualified from acting as a trustee⁴ and that I will inform the trustees promptly if, after the date of this declaration, any one or more of the disqualification criteria apply to me.

Signed _____ Print Name _____
Date _____ Role in PCC _____

¹ This form should also be completed by a "senior manager" who is not also a PCC member (e.g. an employee treasurer).

² You are not disqualified if your conviction is spent. See guidance from the charity Unlock at hub.unlock.org.uk/information/charities/ to work out when a conviction becomes spent.

³ Details of which offences are included can be found at <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#apply-waiver>

⁴ If you have obtained a waiver from automatic disqualification from the Charity Commission to permit you to act as a trustee of the PCC, you are able to sign this declaration. If you wish to seek a waiver, please read the Charity Commission's guidance at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/673798/Waiver_application_checklist_v1.pdf and discuss this with an appropriate person within your PCC.

Parish of West Grinstead

*(the Parish church of St George and the church
of St Michael & All Angels, Partridge Green)*

HMRC Fit and Proper Persons Declaration

HMRC also requires that those who are running charities (Trustees and Managers) are “fit and proper persons”. Examples of factors that **may**⁵ lead to HMRC deciding that a trustee or manager is not a fit and proper person include, but are not limited to, where individuals:

- have been involved in tax fraud and other fraudulent behaviour including misrepresentation and/or identity theft;
- are known by HMRC to have involvement in attacks against, or abuse of, tax repayment systems;
- have been removed from acting as a charity trustee by a charity regulator or been disqualified from acting as a charity trustee or company director;
- have used arrangements notified under the Disclosure of Tax Avoidance Schemes (DOTAS) rules in Part 7 Finance Act 2004 in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the arrangements featured charitable reliefs or which used a charity, and their tax position has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final;
- have used tax arrangements which have been successfully counteracted under the general anti-abuse rules (see Part 5 of Finance Act 2013 or section 10 National Insurance Contributions Act 2014, as enacted or as amended from time to time) and such counteraction has become final;
- have been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity, and they are:
 - a promoter named by HMRC under the Promoters of Tax Avoidance Schemes (POTAS) legislation in Part 5 of Finance Act 2014;
 - a promoter of any tax arrangements designed or intended to obtain for any person a tax advantage and such tax advantage has successfully counteracted by HMRC under the general anti-abuse rule (see Part 5 of Finance Act 2013 and section 10 National Insurance Contributions Act 2014 as enacted or as amended from time to time) and such counteraction has become final;
 - a promoter of arrangements notified under DOTAS, in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the tax position of all or any of the users of the arrangements has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.

I declare that none of the above factors apply to me and that I will seek to ensure that the charity’s funds, and any charity tax reliefs received by the charity, are only used for charitable purposes:

Signed _____

Print Name _____

Role in PCC _____

Date _____

⁵ If any of these factors apply to you, you are not necessarily barred from serving, but the PCC will need to give careful consideration as to how it can meet the “Fit and Proper Persons” requirement. If you require guidance, please see <https://www.gov.uk/government/publications/charities-fit-and-proper-persons-test/guidance-on-the-fit-and-proper-persons-test>