

Colchester Operatic Society

Conflicts of Interest Policy and Guidance

This policy applies to trustees/committee members of Colchester Operatic Society ("COS") and any appointed sub-committee including Colchester Operatic Society Second Edition ("CO2"). The COS Executive Committee and any appointed sub-committees including CO2 will make decisions based only on what's best for the charity. We do not allow personal interests, or the interests of people or organisations connected to committee members, to influence these decisions.

There are 2 common types of conflict of interest:

- **Financial conflicts** - when a trustee/committee member, or person or organisation connected to them, could get money or something else of value from a trustee decision. This does not include the payment of expenses. It still counts as a conflict, even if your charity would benefit, for example, getting a good deal for its money or through donations.
- **Loyalty conflicts** - other reasons, a trustee/committee member might not be able to make decisions that are best for the charity.

Generally, a potential conflict of interest will occur when a trustee/committee member has a connection to another organisation or person that we have a financial, or other working arrangement with, either as:

- Family – their partner, child etc or:
- Organisation – as a trustee, committee member, member of staff or similar.

Identifying Trustee/Committee Member Conflicts of Interest

Conflict of interest is a standing item on all trustee committee and sub-committee agendas; the Chair will remind trustees/committee members at the start of each meeting that any interests must be declared.

A record of any professional or personal interest that may make it difficult for a trustee/committee member to fulfil their duties impartially, or may create an appearance of impropriety, with any item on the agenda for that meeting is to be noted in the minutes of the meeting.

Specifically:

- If a trustee/committee member is in any way, directly or indirectly, interested in a proposed transaction or arrangement with the organisation, they must declare the nature and extent of that interest to the other trustees
- If a declaration of interest proves to be or becomes inaccurate or incomplete, a further declaration must be made
- Any required declaration of interest must be made before the charity enters into the transaction or arrangement

- A declaration is not required in relation to an interest of which the trustee/committee member is not aware or where the trustee/committee member is not aware of the transaction or arrangement in question. For this purpose, a trustee/committee member is treated as being aware of matters of which they ought reasonably to be aware.

If a trustee states a conflict of interest they will either not participate in the discussion or any vote/decision taken related to the conflict of interest or be requested to leave the meeting while the relevant agenda item is discussed and any vote/decision taken.

Potential Trustee/Committee Member Conflicts of Interest

A charity may pay and offer other material benefits, to one or more of its trustees to provide services to the charity, where the Executive Committee reasonably believes it to be in the charity's best interests to do so. The services in question must be ones which the charity trustee provides in addition to carrying out normal trustee duties. Any such proposal would be treated on a case by case basis and would only be approved subject to compliance with our Constitution and the Articles of Association and Charity Commission guidance.

Where an individual is not part of the decision-making process, there is no direct conflict of interest. However, where they have a relationship with the organisation, or individual trustee/committee member, the perception could arise that the trustees haven't acted in the organisation's best interests, because of this.

Managing Trustee/Committee Member Conflicts of Interest

To manage these issues, the Executive Committee will ask themselves these kinds of questions:

- Is this the best use we might make of our limited resources?
- If so, might anyone else be able to provide this service?
- If there are others, in terms of cost, quality, availability etc, who would be the best provider?

Recording Charity Trustee/Committee Member Decisions

Conflicts of interest will be recorded in the Conflicts of Interest Register, and within Committee Meeting minutes, together with the key points and decision(s) made, in sufficient detail to enable a reader to understand the issue and the basis on which the decision was made.

Charity Commission Conflict of Interest Guidance

For an introduction to managing charity conflicts of interest, click here for a [simple explanation and video](#).

Or for the detailed Charity Commission guidance - [Conflicts of interest: a guide for charity trustees \(CC29\)](#).

Related Charity Commission policy:

- [Payment to trustees](#)
- [Selling/leasing to someone connected with the charity](#)
- [Trustee disqualification](#)
- [Examples of personal benefit](#)

Colchester Operatic Society

Conflict of Interest Declaration Form

Colchester Operatic Society fully complies with information legislation. For the full details on how we use your personal information please visit our website <https://www.colchesteroperaticsociety.co.uk/about/privacy-policy/> or speak to our Secretary if you are unable to access the internet.

Statements:

- 1) I understand as a trustee I have a legal duty to act only in the best interests of the Colchester Operatic Society (COS/CO2) charity.
- 2) In accordance with the Executive Committee Code of Conduct, I will declare any conflicts of interest (as defined in the COS Conflict of Interest Policy and Guidance) that arise during meetings and/or decisions, and any of my roles or work for the Society at the earliest opportunity to ensure they do not adversely affect the Society.
- 3) I accept I may need to remove myself from certain discussions or decisions to manage a conflict of interest effectively.
- 4) I acknowledge that the existence of a conflict of interest does not reflect on the integrity of the affected trustee, so long as it is properly addressed.

A. I have no Conflicts of Interest to declare ☐

B. I have (potential / perceived / actual) Conflicts of Interest to declare ☐

If you have ticked B) above, please provide specific details of the conflict of interest(s) and any mitigations you propose below:

Name	
Trustee Position	
Signature	
Date	

By signing this Form, I declare that I have read and accept the Statements above, and that there are no conflicts of interest of any nature that are not resolved to the satisfaction of the Society which would prevent me from participating as a Trustee/Committee Member for the Society.

For Colchester Operatic Society Use Only:

Authorised Individual - By signing this Form, I confirm that the conflicts of interest above have been mitigated appropriately, and therefore the individual's appointment to the Committee is appropriate.

Name	
COS/CO2 Position	
Signature	
Date	