



CONFLICT OF INTEREST POLICY

Why we have a Policy

Trustees and professional staff have a legal obligation to act in the best interests of the Sussex County Sports Partnership Trust (the Trust), and in accordance with its governing documents, and to avoid situations where there may be a potential conflict of interest. Further explanation and background is contained in the Conflicts of Interest Guidance.

What is a conflict of interest?

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of the Trust. They may arise in a number of different forms:

- direct financial gain or benefit to the trustee
- indirect financial gain e.g. to a relative
- non-financial gain e.g. from using the Trust's services
- conflict of loyalties

Such conflicts may create problems; they can:

- inhibit free discussion
- result in decisions or actions that are not in the interests of the Trust
- risk the impression that the Trust has acted improperly

The aim of this policy is to protect the Trust and individuals from any appearance of impropriety.

Material conflicts of interest

In practice all Trustees and professional staff are likely to have conflicts of interest. This is because they are appointed because of their present or past involvement in work or activities of benefit to the Trust.

However not all conflicts of interest are material. Benefits that are available to all, or are inconsequential, or of little measurable value, are not normally regarded as material. In most cases, discussions at Trust Board meetings will not be material, because they involve the generality of the activities of the Trust or the organisations with which the Trust deals.

Material interests will only occur where there is an item which relates specifically to matters which directly affect the interests of individuals. The individual member must declare that interest before any discussion takes place, usually at the beginning of any meeting. All declarations will be recorded in the minutes. Such interests and their treatment then fall into two broad categories.

The first are those which directly or closely affect the individual member, either financially or as benefits receivable in kind. Here the position is clear. The individual should not be involved in any discussion or decision. However, since the member may have knowledge which would be useful to the Trust in reaching their decision, such people are often allowed to make a

statement on the issue before leaving the meeting. This would be a matter for the trustees or the Chief Executive to decide.

The second are those which directly affect something with which the individual member has strong ties (e.g. a sport in which you have a direct interest). In the latter case, the issue is a potential conflict of loyalties. It is then usually up to the meeting, guided by the chairman as well as the individual, to decide whether the individual should be involved in the discussion and/or decision-making. This will depend on the extent of the potential conflict. If the conflict is seen as a significant one, but the individual's knowledge is important, they may again be allowed to make a statement before leaving.

The Declaration of Interests

Accordingly, we are asking all Trustees and professional staff to declare their interests, and any gifts or hospitality received in connection with their role in the Trust. A declaration of interests form is provided for this purpose, listing the types of interest you should declare. You will be asked to update this annually. You should also update when any changes occur. If you are not sure what to declare, or whether your declaration needs to be updated, please err on the side of caution. If you would like to discuss, please contact the Trust's Chief Executive for confidential guidance.

This register of interests will also be used to record gifts of a value over £100 received by the Trustees and staff. Interests and gifts will be recorded on the charity's register of interests, which will be maintained by the Trust's Business Administrator and can be viewed on request. In accordance with the Data Protection Act, only the name of the individual and the nature of the interest are required to be disclosed.

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 Trustees and professional staff act in the best interests of the Trust. The information provided will not be used for any other purpose.

Decisions taken where a Trustee or Member of Staff has an Interest

In the event of the Board of Trustees having to decide whether an individual has a material interest, or an issue in which a Trustee or staff member has a material interest, all decisions will be made by vote. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting has a valid quorum. Interested board members may not vote on matters affecting their own interests.

All decisions involving a conflict of interest will be recorded 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 Trustee or staff member benefits from the decision, this will be reported in the annual report and accounts in accordance with the current Charities' Statement of Recommended Practice (SORP). All payments or benefits in kind to trustees will be reported in

the Trust's accounts and annual report, with amounts for each trustee listed for the year in question.

Where a member of the Trust's staff is connected to a party involved in the supply of a service or product to the charity, this information will also be fully disclosed in the annual report and accounts.

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

Managing Contracts

If you have a conflict of interest, you must not be involved in managing or monitoring a contract in which you 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.

As a registered charity and company limited by guarantee, the Trust is subject to the statutory regulation of the Charity Commission and the Companies Act. Further information on conflict of interest can be found at:

http://www.charitycommission.gov.uk/Charity_requirements_guidance/Charity_governance/Good_governance/conflicts.aspx

Actions on Undeclared Interests - Trustees

Where an interest is not declared, but is subsequently found to exist, the Trustees may take the following action:

1. If there is no material benefit to the individual, the Trustees will need to be satisfied that the conflict was properly managed. If there is any doubt about this, they may, where possible, reconsider the issue. Where this is not possible, for example because a contract has already been let, they may refer the matter to the Charity Commission
2. So far as the individual is concerned, any action will depend on whether the failure to declare the interest was inadvertent or deliberate
3. If it was inadvertent, no further action may be required
4. If it was deliberate, the Trustees may, having considered all the circumstances, deliver a warning to the individual; ask the individual to resign; put a resolution to the members to remove the individual as a Trustee under Article 13.1(a) of the Articles of Association; and/or refer the matter to the Charity Commission
5. If there is a material benefit to the individual, the Trustees will refer the matter to the Charity Commission and be guided by them on future action. This could lead to the matter being referred to the police

Actions on Undeclared Interests – Staff

Where an interest is not declared, but is subsequently found to exist, the matter will be dealt with in accordance with the disciplinary procedures set out in the Staff Handbook.

Creation date: 19 July 2010

First Revision: 17 August 2012

Second Revision: 23 September 2015

Third Revision (no changes made): 20 June 2018

Fourth Revision: 21 June 2021

Next review due: June 2024