



Guidance for trustees

Conflicts of interest

A **conflict of interest (COI)** is a situation in which a person or organization is involved in multiple interests, financial or otherwise, and serving one interest could involve working against another. Typically, this relates to situations in which the personal interest of an individual or organization might adversely affect a duty owed to make decisions for the benefit of a third party.

A conflict of interest exists if the circumstances are reasonably believed (on the basis of past experience and objective evidence) to create a risk that a decision *may* be unduly influenced by other, secondary interests, and not on whether a particular individual *is actually* influenced by a secondary interest.

Trustees

Trustees have six main duties:

- ♥ To ensure the charity is carrying out its purposes and not serving other interests, no matter how worthy.
- ♥ To comply with the charity's governing document and the law.
- ♥ To act in the charity's best interests.
- ♥ To manage the charity's resources responsibly.
- ♥ To act with reasonable care and skill.
- ♥ To ensure the charity is accountable.

As a trustee you must:

- ♥ act within your powers;
- ♥ act in good faith, and only in the interests of your charity;
- ♥ make sure you are sufficiently informed, taking any advice you need;
- ♥ take account of all relevant factors of which you should reasonably be aware;
- ♥ ignore any irrelevant factors;
- ♥ deal with conflicts of interest and loyalty;
- ♥ make decisions that are within the range of decisions that a reasonable trustee body could make in the circumstances.

Specific conflicts

Knowing the beneficiary or being related to a beneficiary or their supporters;

Being friends with a beneficiary or their supporters;

Belonging to the same branch or chapel as a beneficiary;

Having financial interests in a company or organisation in which the trustees are considering investment.

Usually just ensuring this is noted in the minutes by informing the meeting will be sufficient, but if the trustee is very close to a beneficiary or has links to a potential investment, then the trustee would be advised to note that and recuse themselves from that part of the meeting.

Officers

Officers don't automatically have any extra powers or legal duties than the other trustees, but we do delegate power to make urgent decisions between meetings. Don't forget - all trustees remain jointly responsible for the charity and we need to endorse the officers' decisions. This is not merely a rubber stamping exercise. For example, all trustees share responsibility for finances (not just the treasurer).

Beneficiaries and their relatives

We expect beneficiaries to be honest about their circumstances, but can't guarantee that, nor can we be certain that their relatives will be honest.

Welfare officers

Welfare officers are branch officers of the beneficiary's branch and so may well know the member. The officer's role is to support the beneficiary and report their situation honestly to the Trustees. They should inform the trustees if they are related to the beneficiary, but since their role is both as supporter and advocate, any conflict of interest would be minimal.

Safeguarding

Safeguarding is a term used in the United Kingdom and Ireland to denote measures to protect the health, well-being and human rights of individuals, which allow people — especially children, young people and vulnerable adults — to live free from abuse, harm and neglect.

We need to offer some guidance to welfare officers who may be called upon to visit members or their dependants in distress to identify needs and report back to the trustees on a suitable course of action in order to help them.

Members in distress may be suffering from physical or mental illness of some sort and be incapable of caring for themselves properly or they may be in financial need but otherwise capable of dealing with life's adversities. We have a duty of care to all and should ensure they are safe and protected from abuse in their homes.

Six Principles of Adult Safeguarding

The Care Act sets out the following principles that should underpin the safeguarding of adults.

Empowerment

People are supported and encouraged to make their own decisions and informed consent. “I am asked what I want as the outcomes from the safeguarding process and this directly inform what happens.”

Prevention

It is better to take action before harm occurs. “I receive clear and simple information about what abuse is. I know how to recognise the signs, and I know what I can do to seek help.”

Proportionality

The least intrusive response appropriate to the risk presented. “I am sure that the professionals will work in my interest and they will only get involved as much as is necessary.”

Protection

Support and representation for those in greatest need. “I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want.”

Partnership

Services offer local solutions through working closely with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse. “I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.”

Accountability

Accountability and transparency in delivering safeguarding. “I understand the role of everyone involved in my life and so do they.”