

1. Audience

This policy applies to clergy, officers, members of the PCC, employees and special advisers.

2. Preamble

Trustees have a legal obligation to act in the best interests of the charities they serve. Trustees, generally, should not benefit from the charity and should not be influenced by their wider interests when making decisions affecting the charity. Holy Trinity church is a registered charity. Members of the Parochial Church Council [PCC] are charity trustees and this policy is intended to assist them in meeting their legal obligations. As a matter of good practice, those acting for or on behalf of the church as members of other committees, or as church officers and employees, should assume similar obligations, and references to trustees also apply to them.

3. What is a conflict of interest?

A conflict of interest can be defined as:

“...any situation in which a trustee’s personal interests or responsibilities that they owe to another body, may, or may appear to, influence the trustee’s decision making.”

Conflicts of interest arise when the interests of trustees, or “connected persons”¹, are incompatible, or in competition with the interests of the church. Such conflicts may potentially:

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

Such situations present a risk that decisions will be based on these other influences, rather than the best interests of the church. The most common types of conflict include direct financial interest; indirect financial interest; non-financial or personal conflicts; conflicts of loyalties.

Trustees, when acting as a trustee, must act in the best interests of the charity alone. Where a conflict does arise, the responsibility of all the trustees is to the charity. This includes any access that trustees may gain to confidential or privileged information by virtue of their trusteeship. Whatever information trustees acquire in their role should remain confidential and not be used to the advantage of themselves, an external individual, or entity.

4. Managing conflicts of interest

(i) Declaration of interests

Potential and new trustees will be informed that they will be expected to declare their interests on appointment and subsequently, when they arise. This is made via the PCC Secretary. The declaration of interests needs to be updated when material changes occur, and reviewed on a regular basis – at least annually. When completing a declaration of interests, trustees should consider the following areas:

¹ There are several definitions of a “connected person” which may include:

a) a child, parent, grandchild, grandparent, brother or sister of a trustee
b) spouse or civil partner of trustee, or of (a) above
c) business partner of trustee or (a) or (b)
d) institution controlled
i) by trustee or (a), (b), or (c) above or
ii) by two or more persons falling within i) when taken together
e) a body corporate which
i) the trustee or connected person in (a) to (c) has a substantial interest or,
ii) two or more persons falling within i) when taken together have a substantial interest

Trustees seeking to sell land or other property belonging to the charity should refer to s.118 of the Charities Act 2011 for a further definition of ‘connected persons’ in relation to these transactions.

- employment
- any previous employment in which the trustee still has a financial, or other, interest
- any other appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals
- professional and organisational membership
- membership of any special interest groups
- investments in unlisted companies, partnerships and other forms of business
- major shareholdings (e.g. more than 5% of issued capital) and beneficial interests
- gifts or hospitality offered to the trustee by external bodies and whether this was declined or accepted
- family connections where relevant, such as the trustee’s spouse/partner working for a similar organisation or funder
- using, or caring for a user of, the organisation’s services
- any contractual relationship between the trustee or a connected person and the charity or its subsidiary.

Recognising the need to balance accountability and unwarranted intrusion into the affairs of their trustees the level of detail required in the register will depend on:

- the likelihood of a conflict arising
- the potential damage that could be caused by a conflict.

The completed declarations should be returned to the PCC Secretary, who will be responsible for keeping the register of interests up to date. The register will be available for inspection on request to the diocesan secretary. There may be sections of the declaration, or levels of detail within certain sections, which trustees may want and decide to keep confidential. Such information will be made available only to the chairman and such officers or professional advisers on a ‘need to know’ basis. When a conflict of interest does arise, it is the responsibility of the trustee in question to declare such a conflict to the PCC. If he or she fails to do so, the chairman or secretary should declare the conflict.

Meetings

It is standard practice that the Chair of meetings asks for declarations of interest at the start of each meeting.

5. Issuer

This policy has been issued and approved by the Parochial Church Council of Holy Trinity Church, Twickenham. It is reviewed every two years.

Version control				
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