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ARLIS UK & Ireland Conflict of Interest Policy

Introduction

According to the Charity Commission, 'The law says that trustees cannot receive a benefit from their charity, whether directly or indirectly, unless they have an adequate legal authority to do so. The potential for a trustee to benefit from the charity also creates a conflict of interest which the trustees need to address effectively.'¹

This policy is to help ARLIS volunteers to avoid conflicts of interest, and to act appropriately if a conflict of interest arises, as well as to protect the Society from any risks resulting from a conflict of interest.

If a volunteer is in any doubt about the application of this policy, they should consult the Chair.

The term 'volunteers' is used in this context to mean any person acting on behalf of the Society, and includes Trustees, Officers, Council members, Committee members, and members of the Conference Working Party. If at any point the Society should employ any staff members, this policy would also apply to them. The current ARLIS Volunteering Policy can be found on the [ARLIS UK and Ireland webpages](#).

This policy takes into account that volunteers may be eligible for training and/or recompense for expenses to allow them to carry out the affairs of the Society. The current guidelines on claiming expenses can be found in the [ARLIS handbook](#).

Context

A conflict of interest or loyalty arises where a volunteer's personal interests or loyalties, or the interests or loyalties which that volunteer owes to another charity or society, arise at the same time.

The Council must manage any situation where a volunteer has the potential to benefit personally from their position as volunteer or is influenced by conflicting loyalties.

Interests can be financial or non-financial and direct or indirect:

- A direct financial interest arises where a volunteer is selling an asset to the charity or becoming an employee

- A direct nonfinancial interest can arise where a volunteer is a service user of the society and benefits more than a typical service user
- An indirect benefit is one which accrues to a close member of the volunteers' family, a business colleague or other close relationship
- A conflict of loyalty arises where a volunteer's decision-making is influenced by another appointment, employment or association of that volunteer

This list of conflicts is not intended to be definitive or prescriptive.

Each volunteer is responsible for declaring actual or potential conflicts or the reasonable perception of such conflicts.

The policy for dealing with conflicts is set out below, including a Register of Interests, loyalties, gifts and hospitality.

Why we have a policy

Volunteers have a legal obligation to act in the best interests of the Society as a charity and in accordance with the governing document. The [ARLIS UK and Ireland Constitution](#) can be found on the webpages.

A conflict of interest may bring risks. They can:

- Prevent open discussion
- Result in decisions or actions which are not in the best interests of the charity
- Result in the impression that the society Trustees and/or Council have not acted properly

Management of a conflict

A conflict is managed in four ways:

- A conflict should be declared at the earliest opportunity and time arranged for it to be discussed by Council. This can be done verbally or in writing to the Chair or Hon. Secretary. Their contact details are listed on the [ARLIS UK and Ireland website](#). Details can also be reported anonymously using the [online form](#).
- A volunteer who declares an interest should leave the meeting to allow Council to decide whether their absence is necessary or appropriate
- The other Council members should agree how to deal with the conflict, for instance by allowing the conflicted volunteer to speak on the matter concerned but not to vote
- The other volunteers should make sure that the process is properly minuted.

What to do if you face a conflict of interest or loyalty

All conflicts of interest or loyalty, whether actual or potential, should be declared verbally or in writing at the earliest possible opportunity. If a volunteer is in any doubt about the application of this policy, they should consult the Chair.

A volunteer who has a financial interest in a matter under discussion should declare the nature of their interest and withdraw from the meeting, unless they have been given permission by the Chair to stay and either speak or not, as the case may be. Such a volunteer may not vote.

A volunteer who has any interest in a matter under discussion, which creates a real or perceived risk of bias should declare the nature of the interest and withdraw from the meeting, unless they have been given permission by the Chair to stay and either speak or not, as the case may be. Such a volunteer may not vote.

A volunteer who has any other interest which does not create a real risk of bias, but which might reasonably cause others to think it could influence their decision, should declare the nature of the interest, but may remain in the meeting, participate in the discussion and vote if they wish.

If a volunteer fails to declare an interest that is known to the Chair or Hon. Secretary, the Chair or Hon. Secretary will declare that interest.

For further reference, the ARLIS Constitution, Handbook and policies can be consulted on [the ARLIS website](#).

Policy revision history

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1. Charity Commission (2014) *Conflict of Interest: a guide for charity trustees [online]*. Accessed 31 Mar 2022. URL: [Conflicts of interest: a guide for charity trustees - GOV.UK \(www.gov.uk\)](#)