

Sheffield Music Academy Conflict of Interest Policy

This Policy has regard to Charity Commission's 'Conflicts of interest: a guide for charity trustees (CC29) and is based upon a template for a charitable company limited by guarantee published by ARVAC (Association for Research in the Voluntary and Community Sector).

1. This Policy should be read in conjunction with paragraphs 5.2 to 5.6 of the Articles of Association of Sheffield Music Academy. It provides further clarification and guidance.
2. All trustees, staff and volunteers of Sheffield Music Academy will strive to avoid any conflict of interest between the interests of the organisation on the one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.
3. The purpose of this policy is to protect the integrity of the Academy's decision-making process, to enable stakeholders to have confidence in the organisation's integrity, and to protect the integrity and reputation of trustees, staff and volunteers.
4. In particular, trustees have a personal responsibility to declare conflicts of interest if they are to fulfil their legal duty to act only in the best interests of the charity.
5. Examples of conflicts of interest include:
 - A trustee who is also a parent/guardian may be faced with a decision in a Board meeting regarding whether fees for students should be increased.
 - A trustee who is related* to a member of staff and there is decision to be taken on staff pay and/or conditions at a Board meeting.
 - A trustee who is also on the committee of another organisation that is competing for the same funding.
 - A trustee who has shares in a business that may be awarded a contract to do work or provide services for the organisation or is a director, partner or employee or related to someone who is*.

* *A relative may be a child, parent, grandchild, grandparent, brother, sister, spouse or civil partner of the trustee or any person living with the trustee as his or her partner.*

6. Upon appointment each trustee will make a full written disclosure of interests, such as relationships, and posts held, that could potentially result in a conflict of interest. This written disclosure will be kept in the Academy's Register of Interests and will be updated at least annually, and whenever a new potential conflict arises.
7. The Register of Interests will be reviewed annually by the Academy's Independent Examiner as part of their Annual Examination of the Accounts and published on the Academy's website.
8. In the course of meetings or activities, trustees will disclose any interests in a transaction or decision where there may be a conflict between the Academy's best interests and the trustee's best interests or a conflict between the best interests of two organisations that the trustee is involved with. If in doubt the potential conflict must be declared anyway, and clarification sought. The potential conflict should be declared as soon as the conflict becomes apparent. It is anticipated for example that where a conflict arises during a discussion at a Board meeting the potential conflict will be disclosed at the start of the discussion.
9. In the case of a conflict of interests arising for a trustee because of a duty of loyalty owed to another organisation or person and the conflict is not authorised by virtue of any other provision in the Memorandum of Articles, the unconflicted trustees may authorise such a conflict of interests where the following conditions apply:
 - The Charity Commission's permission is sought before a benefit for a trustee may be authorised that is not otherwise authorised in the Instruments and Articles or already authorised in writing from the Commission.
 - It is open to the remaining trustees to ask the trustee who has declared the conflict of interest to withdraw from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person.
 - The trustee who has the conflict of interest does not vote on any such matter and is not to be counted when considering whether a quorum of trustees is present at the meeting.
 - The other trustees who have no conflict of interest in this matter consider it is in the interests of the charity to authorise the conflict of interest in the circumstances applying.
 - Any such disclosure and the subsequent actions taken will be noted in the minutes.
10. For all other potential conflicts of interest, the advice of the Charity Commission will be sought, and the advice recorded in the minutes. All steps taken to follow the advice will be recorded.
11. This policy is meant to supplement good judgment, and staff, volunteers and Directors should respect its spirit as well as its wording.