SAMA 82	Controlled Document

The South Atlantic Medal Association (1982)

CONFLICT OF INTEREST

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POLICY CONTEXT & REQUIREMENT

This policy has been developed to protect the organisation, employees, trustees, membership and volunteers by ensuring that the organisation has robust and effective processes in place to manage conflicts of interests, in line with organisational policy.

Version Control				
Version	Author	Status	Date	Change Detail
1.0	Andrew Lockett	Implemented	30/09/2024	N/A
2.1	Alan Dodsworth	Implemented	19/08/2026	New Front Page, Policy Lead & Version Control

1. **Definition of a conflict of interest**
   1.1. Where another activity or position either business or personal pertaining to a trustee, their spouse, partner, family or close relatives may place the lead to a competing rationale for a judgement,
   1.2. or that activity or position may be seen as affecting the judgement in the management of the South Atlantic Medal Association 1982.
2. **Identifying a Financial conflict of interest.**
   2.1 Financial conflicts happen when a trustee, or person or organisation connected to them, could benefit financially or gain something of monetary value from a trustee decision.
   2.2 Financial conflicts for a trustee happen if:
      2.2.1 a trustee is remunerated for doing their trustee role,
      2.2.2 SAMA 82 employ or remunerate the trustee, or connected person, for some work at your charity, or its trading company,
      2.2.3 sell, loan or lease SAMA 82 assets to the trustee,
      2.2.4 buy, borrow or lease charity assets from the trustee,
      2.2.5 buy goods from a business owned by the trustee. It still counts as a conflict, even if your charity would get a good deal for its money.
3. **Identifying a mixed loyalty conflicts of interest**
   3.1 These conflicts are not about money or other trustee benefits.
   3.2 This happens when:
      3.2.1 for non-financial reasons, a trustee might not be able to make decisions that are best for SAMA 82,
      3.2.2 the charity's decision involves a person or organisation linked to a trustee. For example:
         3.2.2.1 the trustee's employer,
         3.2.2.2 another charity where they are a trustee,
         3.2.2.3 the organisation that appointed them as a trustee,
         3.2.2.4 their relatives or friends.
4. **Trustee responsibility**
      4.1.1 Trustees have a collective responsibility for monitoring, identifying and addresses of case of conflict.
5. **Declaring a conflict of interest**
   5.1. Trustee candidates seeking first election must declare any known conflict on the trustee eligibility declaration form.
   5.2. Trustees in situ have a personal duty to declare conflicts of interest, to fulfil their legal duty to act only in the best interests of SAMA 82. This should be done:
      5.2.1 when the conflict first arises,
      5.2.2 in writing to the Association Secretary,
      5.2.3 a full declaration should include:
         5.2.3.1 business and personal interests and those of their spouse, partner, family and close relatives,
         5.2.3.2 full financial disclosure,
         5.2.3.3 full details and possible implication of a loyalty conflict,
   5.3. Trustees must maintain vigilance in identifying a possible conflict for themselves or a fellow trustee.
   5.4. All potential conflicts should be brought to the attention of the Association Secretary.
6. **Recording a conflict of interest**
   6.1. All conflicts of interest must be accurately recorded by the Association Secretary.
   6.2. A conflict of interest log will include:
      6.2.1 the nature of the conflict,

6.2.2 who or what it affected,
6.2.3 date identified,
6.2.4 how it is managed,
6.2.5 conflict severity,
6.2.6 Charity Commission informed yes/no,
6.2.7 record of discussions and decisions made.

7. Trustee duties and participation in formal meetings

7.1. Trustees shall avoid carrying out association functions where their other interests may impede or distort the way they carry out their duties.

7.2. A trustee must declare a conflict of interest at all formal meetings and provide full details of the following information for submission in formal records:
7.2.1 a position where he/she have a competing rationale for a judgement,
7.2.2 be seen as affecting the judgement of that trustee,
7.2.3 a financial interest that may influence judgement.

7.3 The person declaring can take part in the discussion unless trustees decide otherwise.

7.4 Where the majority of those attending the meeting decides that it is beneficial for the declarant to be absent from that part of the meeting, then the declarant shall be absent for that part of the meeting.

7.5 The Association Secretary must keep and update a register of interests.

8. Duty of a Trustee with a conflict of interest

8.1 A trustee with a conflict of interest must:
8.1.1 stop the conflict from affecting the role of trustee,
8.1.2 make decisions based only on what is in the best interests of SAMA 82.

8.2 If the conflicted trustee decides not to remove the conflict, the remaining trustees must discount any comment or contribution from the conflicted trustee.

8.3 If an ongoing conflict affect the trustees ability to undertake the role of trustee in line with the best interest of SAMA 82, then the trustee must:
8.3.1 remove the conflict, or,
8.3.2 resign as a trustee of SAMA 82.

9. Managing conflict of interest

9.1. SAMA 82 Articles of Memorandum do not permit a trustee, or organisations or people connected to them to receive payments with the exception of out-of-pocket expenses and some specific other exceptions. See Policy 3 Reimbursement, the A&M and CC3.

9.2. Trustees and members must abide by the rules in CC3 with regards to land, leases and connected persons.

9.3. Where appropriate a trustee or member is to declare a conflict of interest and this declaration shall be included in association records.

9.4. This declaration does not mean that the person declaring cannot take part in the discussion over the matter under discussion but they must not:
9.4.1. take part in the decision or vote with respect to a conflict,
9.4.2. is not counted in the quorum,
9.4.3. where the majority of the meeting attendees decide that it is beneficial for the declarant to be absent from that part of the meeting, then the declarant shall be absent for that part of the meeting,
9.4.4. collectively, trustees are legally responsible for the effective management of conflict of interest.

10. Serious conflicts of interest

10.1. Examples of serious conflicts are:
10.1.1 a single trustee who has a commercial interest in the charity decision,
10.1.2 a decision involving a significant money or risk and there is an apparent or declared conflict of interest,

10.1.3 a discovery of a previously undisclosed or inadequate declaration have affected decision making,

10.1.4 a trustee uses their influence to direct volunteers or employees to undertake activities that are not in the best interest of the association.

10.2 Trustees could attempt to remove the serious conflict by:

10.2.1 changing plans or decisions,

10.2.2 deciding not to appoint a conflicted person,

10.2.3 appoint additional trustees not affected by a conflict of interest,

10.2.4 ask the Charity Commission to authorise decisions for high-risk cases,

10.2.5 asking a conflicted trustee to resign,

10.2.6 if the conflicted trustee refuses to resign, and the remainder of the board of trustees consider their continuing position would cause harm to SAMA 82, then the trustees should remove the conflicting person from the position of SAMA 82 trustee.

10.2.6.1 Harm can be deemed as:

10.2.6.1.1 financial risk,

10.2.6.1.2 reputational harm to SAMA 82.

10.2.7 Take legal advice if unsure of SAMA 82 position or is deemed necessary.

10.2.7.1 SAMA 82 can pay for legal advice for the charity only.

11. Monitoring and enforcement

11.1 The register of trustee conflicts of interest is maintained by the Association Secretary.

11.2 The trustee with duties for the charity compliance and the association secretary must:

11.2.1 seek to identify any decisions that appear to be influenced by a trustee conflict of interest,

11.2.2 inform the board of trustees of the possible influence in their decision making,

11.2.3 investigate any reports of a non-disclosed conflict of interest,

11.2.4 enforce decisions made by the Board of Trustees when seeking to manage an identified conflict,

11.2.5 inform the Charity Commission of serious conflicts of interest