

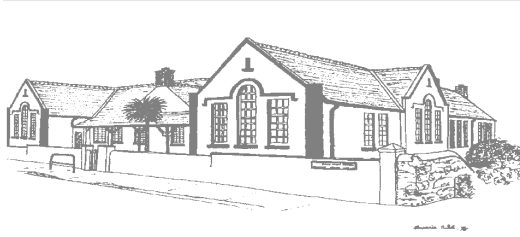
# The Skerries Community Association CLG

CRO 100983; Muintir na Tíre registered charity CHY 6865

Established 1934

**Making a great town even better!**

[www.skerriesca.com](http://www.skerriesca.com)



Secretary: [secretary@skerriesca.com](mailto:secretary@skerriesca.com)

Registered Office:  
Skerries Community Centre  
Dublin Road  
Skerries, Co. Dublin

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## Conflict of Interest Policy

### *Skerries Community Association CLG*

#### **Purpose**

The purpose of this policy is to assist the charity trustees of **Skerries Community Association CLG** (hereinafter referred to as Skerries Community Association) to effectively identify, record and manage any conflicts of interest, in order to protect the integrity of Skerries Community Association and to ensure that the charity trustees act in the best interest of their charity.

#### **Objective**

The board of **Skerries Community Association** (called the 'board of charity trustees' in this policy) aims to ensure that the charity trustees are aware of their obligations to:

- Disclose any interests that they may have in transactions undertaken or likely to be undertaken by the company;
- Comply with this policy;
- Ensure that they effectively manage any conflicts of interest that may be identified, as representatives of **Skerries Community Association**.

#### **Scope**

This policy applies to the trustees of **Skerries Community Association**.

#### **Definition of conflicts of interests**

A conflict of interest is any situation in which a charity trustee's personal interests or loyalties could, or could be seen to, prevent the charity trustee from making a decision in the best interests of the charity. This personal interest may be direct or indirect, and can include interests of a person connected to the charity trustee.

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**Directors:** Michael McKenna (Chair); Jane Landy (Vice Chair); Mary Conway (Treasurer); John Coleman; Shay Fanning; Michael Fanning; John Fitzgerald, Clare Fox; Brendan Friel, Dee Langton; Nunce McAuley; Niamh Quigley; Helen Scullion; Brendan Sherlock.



Muintir na Tíre



These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the charity and therefore must be managed accordingly.

There are two types of conflict of interest: an appointment conflict and a personal conflict. Where the interests of the charity conflicts with:

- The interest of a person or organisation that appointed you as a charity trustee, this is referred to as an **appointment conflict**; or
- Your own personal or business interest in relation to that matter, this is referred to as a **personal conflict**.

This personal interest may be direct or indirect, and can include interests of a person connected to the charity trustee, i.e., a 'connected person'. A 'connected person' in respect of a charity trustee includes:

- A parent, brother, sister, spouse, grandparent or grandchild of the individual, or a child of the spouse of the individual; any person the individual is in a partnership with;
- Any person the individual is employed by under a contract of service;
- A body corporate if the individual has control of it, or if the individual and any of the above mentioned connected persons together have control over it. (Ref Section 2(2) of the Charities Act 2009.)

## Policy

This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to the charity if they are openly and effectively managed. It is the policy of Skerries Community Association, as well as a responsibility of its charity trustees, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the trustees' obligations to Skerries Community Association.

Skerries Community Association will manage conflicts of interest by requiring charity trustees to:

- Identify and record any conflicts of interest;
- Carefully manage any conflicts of interest;
- Follow this policy and respond to any breaches.

### *Responsibility of the board of charity trustees*

The board is responsible for:

- Establishing a system for identifying, disclosing and managing conflicts of interest across the charity;
- Monitoring compliance with this policy;
- Reviewing this policy on an annual basis to ensure that the policy is operating effectively.



The charity trustees should ensure they are aware of their legal obligations in the management and control of their charity and should refer to the Charities Regulator's 'Guidance for Charity Trustees'.

It is important to remember that the board of charity trustees is collectively responsible for the oversight of the charity. As such, if a trustee knows that another charity trustee is conflicted, and it is not declared, it is the duty of the first trustee to speak up.

#### *Disclosure of interest and identification of conflicts of interest*

All monthly board meetings will include a standing agenda item "Conflicts of interest/loyalty". Once a trustee discloses an interest, the board will decide whether a conflict of interest exists. A key test to identify whether a conflict of interest exists is to ask the question:

*Would a reasonable person, who was aware of the charity trustee's personal interest, believe that the charity trustee might be influenced by that personal interest when making a decision on the part of the charity? ("Managing conflicts of interest" Charities Regulator May 2018.*

Once an actual, potential or perceived conflict of interest is identified, it must be entered into **Skerries Community Association's** register of interests, as well as being raised with the board of charity trustees. The register of interests must be maintained by the Company Secretary and record all information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

#### *Confidentiality of disclosures*

**Information regarding any disclosures will be restricted to the board of charity trustees.**

### **Action required for management of conflicts of interest**

#### *Conflicts of interest of members of the board of charity trustees*

Once the conflict of interest has been identified, the board of charity trustees (excluding the disclosing charity trustee and any other conflicted person) must decide whether or not a conflicted charity trustee should:

- Vote on the matter (this is a minimum);
- Participate in any debate; or
- Be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a charity trustee from regularly participating in discussions, it may be necessary for the board of charity trustees to consider whether it is appropriate for the person with the relevant conflict to resign from the board of charity trustees.



### *What should be considered when deciding what action to take*

In deciding what approach to take, the board of charity trustees will consider whether:

- The conflict needs to be avoided or simply documented;
- Whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making;
- Alternative options to avoid the conflict;
- The charity's objects and resources; and
- The possibility of creating an appearance of improper conduct that might impair confidence in the charity or damage its reputation.

The approval of any action requires the agreement of at least a majority of the board of charity trustees (excluding any conflicted charity trustee) who are present and voting (if applicable) at the meeting. All details regarding the conflict of interest, including the action arising, will be recorded in the minutes of the meeting.

### **Compliance with this policy**

If the board of charity trustees has a reason to believe that a person subject to this policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose an interest in a transaction undertaken or likely to be undertaken, by **Skerries Community Association**, the board of charity trustees may take action against the person. This may include seeking the person's resignation from the charity.

If a person suspects that a charity trustee has failed to disclose such an interest, they must notify the Secretary.

### **Contacts**

For questions about this policy, contact the board of charity trustees or **Secretary** by emailing [secretary@skerriesca.com](mailto:secretary@skerriesca.com)

Date: 9 July 2021