

## 11. Trustee Policies

11.1 Trustee Confidentiality Policy

11.2 Trustee Conflict of Interest Policy

## 11 Trustee Policies

Alongside associated documents, 11.2, this policy was adopted by Isleham Under Fives Association on 12th October 2022.

### 11.1 Trustee Confidentiality Policy

#### Policy statement

Our trustees have a duty to act in the best interests of Preschool and are responsible for the overall management of the setting, and in doing so, meeting the early educational needs of the children in the local area. The day to day management of the Preschool is delegated to the Preschool Manager El de Vaux.

As part of this duty, committee members may occasionally become privy to information relating to the children and families attending the pre-school, and to financial and business information about the setting, including staff related data.

The Committee recognise that this information is considered by many to be 'sensitive' and are committed to ensuring, to best of our ability, that the privacy of children, families, staff, committee members, volunteers and visitors is respected and protected.

The purpose of this policy is to provide clear guidelines to Committee Members of their roles and responsibilities when handling this information. All prospective trustees are made aware of this confidentiality policy and, to encourage transparency, a copy is also made available publicly on the charity's website.

#### Definition of 'Confidentiality'

"Information or data which could cause harm to someone, or the setting, if made publicly available or disclosed to someone who is not authorised to access the information or data".

#### Procedures

We understand our roles and responsibilities in respect of the children, staff and families who attend or are members of the setting and recognise that we are entrusted with information, often of a confidential and/or sensitive nature. Examples of this might be; information on salaries or finance, personal information of individuals/families, child protection or a disciplinary procedure. There are some situations where disclosure of confidential information will be a breach of the General Data Protection Regulations 2018 and members need to recognise the seriousness of such actions.

We also recognise that the maintenance of confidentiality, while important at all times, may be particularly important in a small community and we are aware of our responsibilities in this context.

It is essential that we respect the information we are party to and understand that we must consent to keep all matters relating to the management of the setting confidential, unless otherwise agreed by the Committee that it is in the best interests of the Preschool to do otherwise. If this is decided, it must be done so by a quorate Committee and recorded in the minutes.

In the event of a breach of confidentiality the Committee will need to adhere to the constitutional rules of their governing document in considering how the breach affects the individual's ability to continue as a committee member and the relevant course of action to take.

These responsibilities must be maintained on and after resignation or other departure from the Committee.

### **Legal framework**

General Data Protection Regulations (GDPR) (2018) This charging policy has been compiled in line with DFE requirements, County Council provider agreement and in accordance with s457 of the Education Act, 1996.

## 11.2 Trustee Conflict of Interest Policy

### Policy statement

Our trustees (and/or “Committee members”) have a duty to act in the best interests of Preschool (“the charity”) and must not use their position as a trustee to their own personal benefit. Conflicts of interest occur when a trustee’s personal interests, or the interests of an organisation or person connected to the trustee, have the potential to conflict with the interests of the charity. Trustees must avoid all situations that may possibly lead to a conflict of interest and also have a legal duty to declare any potential conflicts of interest between themselves (or a connected person or organisation) and the charity. Prior legal authorisation is also required in any situation where a trustee potentially stands to receive a material benefit from the charity.

The purpose of this policy is to provide a procedure for recognising situations which can lead to potential or actual conflicts of interest and to create a clear and transparent process for declaring and managing these conflicts. All prospective trustees are made aware of this Conflict of Interest policy and, to encourage transparency, a copy is also made available publicly on the charity’s website.

### Types of conflicts of interest

A conflict of interest can arise for a trustee in situations where there is the potential for:

- Direct financial gain or benefit: Circumstances that involve a trustee receiving a direct financial gain or benefit might include:
  - A paid employee of the charity becoming a trustee.
  - Employing a trustee to work in a paid post within the charity.
  - Paying a trustee, or an organisation which a trustee has a financial interest in, for services provided to the charity.
  - Paying a trustee for work they carry out as part of their trustee duties.
  - Selling charity equipment or land to a trustee.
  - A trustee providing a loan to the charity.
  - A waiver or reduction in childcare fees for a trustee.
- Indirect financial gain: This can include the employment of a trustee’s partner by the charity, as the trustee may benefit indirectly from their partner’s salary.
- Non-financial gain: A non-financial gain can include if a trustee is treated favourably when using the services of the charity, because they are a trustee, such as if they were given priority above other families when applying for childcare sessions.
- Conflicts of loyalty or duty: These might arise for trustees if:
  - A partner, relation or close friend is employed by the charity.
  - They are a trustee, employee or member of another organisation that has dealings, or may be in direct competition, with the charity e.g. for a funding bid.

Conflicts of interest are often created when a trustee stands to profit or personally benefit, either directly or indirectly, from the charity or their role. Explicit legal authority must be obtained from the governing document, the Charity Commission or a court of law before a trustee receives any financial or material benefit from the charity.

There are limited circumstances where a benefit will not require authority i.e. reasonably incurred expenses.

Benefits that are available to anyone and not just the trustees will also not generally need to be authorised. All benefits and payments to trustees are clearly detailed in the charity's accounts.

Each trustee is responsible for declaring any matters that may present any actual or potential conflict of interest. If any trustee is uncertain about what matters they should declare, they must raise the issue with the other trustees. The trustees will seek advice from the Charity Commission where necessary. The Charity Commission advice and any actions taken in following the advice will be recorded in the minutes. The trustees must notify the Charity Commission if they find that a trustee is receiving an unauthorised benefit or has not acted in the best interest of the charity. In these cases, the trustee concerned may be in breach of trust and could be liable to repay the value of the benefit to the charity.

Where a conflict of interest may damage the interests or reputation of the charity, the trustee may be asked to take steps to put an end to the situation causing the conflict; if necessary, by resigning as a trustee of the charity