



**WILTSHIRE  
TENNIS**

# Conflict of Interest Policy and Procedures

## Document Control

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## **1 CONFLICT OF INTEREST POLICY AND PROCEDURES**

- 1.1 Trustees, Executive Management Committee members, Employees and Volunteers have an obligation to act in the best interests of the organisation and to avoid situations where there may be a potential conflict of interest.
- 1.2 Conflicts of interest may arise where an individual's personal or family interests and/or loyalties conflict with those of Wiltshire Tennis. Such conflicts may create problems; they can:
  - inhibit free discussion,
  - result in decisions or actions that are not in the interests of Wiltshire Tennis,
  - risk the impression that Wiltshire Tennis has acted improperly.
- 1.3 The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.
- 1.4 Trustees, Executive Management Committee Members and employees must declare any personal or business interests, which may conflict with their responsibilities. Such conflicts must be identified at an early stage so that appropriate action can be taken to resolve them.
- 1.5 Employees must also declare any gifts or hospitality received in connection with their role in Wiltshire Tennis.
- 1.6 If an individual is not sure what to declare, or whether/when a declaration needs to be updated, they must err on the side of caution. Individuals may contact the Secretary to discuss and seek confidential guidance on any such matters.

## **2 REGISTER OF INTERESTS**

- 2.1 Wiltshire Tennis maintains a Register of Interests appropriate to its activities, which includes the interests of close family members (see 3.2).
- 2.2 The Register of Interests is also used to record all gifts of a value over £25 received by Employees.
- 2.3 New Trustees, Executive Management Committee Members and Employees are required to complete a Declaration of Interests Form on appointment and must inform the Secretary as changes occur.
- 2.4 Each Trustee, Executive Management Committee Member and Employee is asked to update their declaration on an annual basis.

## **3 DEFINITIONS**

- 3.1 Interests are defined as:
  - Direct financial interests where a Trustee, Executive Management Committee Member or Employee stands to gain direct financial benefit from decision,
  - Indirect financial interests where a close relative stands to benefit financially from a decision and where the financial affairs of the member and relative in question are bound through the legal concept of 'joint purse',
  - Non-financial interest or personal conflicts where a Trustee, Executive Management Committee Member or Employee receives no financial benefit from the decision but continues to be influenced by external factors. This includes interests arising from membership of clubs and other organisations,
  - Conflict of loyalties where a Trustee, Executive Management Committee Member or Employee may have competing loyalties between the organisation to which they owe a primary duty and some other person or entity.
- 3.2 Close family members include spouses, partners, parents, children (adult and minor), brothers, sisters, and the personal partners of any of these.

## 4 DATA PROTECTION

- 4.1 The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that Trustees, Executive Management Committee Members and Employees act in the best interests of Wiltshire Tennis. The information provided will not be used for any other purpose.
- 4.2 The current Privacy Policy can be found on the Governance page of the web site.

## 5 GUIDANCE

- 5.1 In the absence of specific statutory provisions, common law requires that:
- members of public bodies should not participate in the discussion or determination of matters in which they have a direct financial interest; and
  - when an interest is not of a direct financial kind, Trustees/Executive Management Committee Members should consider whether participation in the discussion or determination of a matter would suggest a real danger of bias. This should be interpreted in the sense that members might unfairly regard with favour, or disfavour, the case of a party to the matter under consideration.
- 5.2 In considering whether a real danger of bias exists in relation to a particular decision, Trustees/Executive Management Committee Members should assess whether they, a close family member, a person living in the same household, or a forum/ business/other organisation with which the individual is connected are likely to be affected more than the generality of those affected by the decision in question. This would cover, for example, a decision to invite tenders for a contract where a firm with which a Trustee/Management Committee Member was connected was significantly better placed than others to win it or where a member was a service user and involve in a decision directly affecting the service received.

## 6 PROCEDURES AT A COMMITTEE MEETINGS

- 6.1 All Trustees/Committee Members must declare as soon as practicable after a meeting begins whether they have an interest, pecuniary or other, in a matter being considered. Agendas for meetings must include an item to provide a clear opportunity for them to do so.
- 6.2 Trustees/Committee Members must also disclose any interest of which they are aware on the part of close family members and persons living in their household. In addition, members must consider whether they need to disclose relevant interests of other persons or organisations, which members of the public might reasonably think could influence their judgment.
- 6.3 Trustees/Management Committee Members must declare their interest(s) to the Secretary of the meeting, who will record the declaration in the minutes.
- 6.4 The Chair will decide which of the following options should be followed:
- The individual(s) should leave the meeting while the item is being discussed<sup>1</sup>.
  - The individual(s) should be allowed to remain in the meeting while the item is being discussed but should not be allowed to take part in the discussion or vote<sup>1</sup>.
  - The individual(s) should be allowed to speak on the item but should not vote<sup>1</sup>.
  - The individual(s) should be allowed to speak and vote on the item.
  - Where the conflict of interest has a significant impact on the reputation of Wiltshire Tennis, or the capability of the person to function in their role, they may be asked to stand down from a particular committee, sub-committee or role or suspend their role until such time as the conflict of interest is no longer an issue.
- 6.5 All decisions under a conflict of interest will be recorded by the Secretary of the meeting and reported in the minutes of the meeting. The report will record:

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<sup>1</sup> A quorum must be present for the discussion and decision. Interested parties will not be counted when deciding whether the meeting is quorate.

- the nature and extent of the conflict
  - an outline of the discussion
  - the actions taken to manage the conflict.
- 6.6 If a Trustee/Management Committee Member fails to declare an interest that is known to the Chair, the Chair will declare that interest.
- 6.7 Any Trustee/Management Committee Member may challenge another where they perceive that a conflict has not been declared. These challenges should be made to the Chair of the meeting, whose decision on the matter will be final. The Secretary of the meeting shall record the challenge and its outcome in the minutes.
- 6.8 Where a person fails to declare a conflict of interest, they may be subject to disciplinary or legal action.