



POLICY

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# CONFLICT OF INTEREST POLICY

**SeeBeyondBorders Ireland**

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*Change begins with Education*

# TABLE OF CONTENTS

## Contents

1	DOCUMENT PURPOSE	1
2	GENERAL POLICY OBJECTIVES	1
3	DEFINITION OF CONFLICT OF INTEREST	1
3.1	<b>Material Conflict of Interest</b>	
	.....	1
3.2	<b>Objective Test for Conflict of Interest</b>	2
3.3	<b>Types of Conflict of Interest</b>	2
4	PRINCIPLES FOR AVOIDING CONFLICT OF INTEREST	2
5	PROCESS FOR MANAGING CONFLICT OF INTEREST	
	.....	2
6	FAILURES RELATED TO CONFLICT OF INTEREST	3
7	OVERSIGHT AND IMPLEMENTATION	
	.....	3
8	DOCUMENTATION	
	.....	
	.....	3
9	POLICY MANAGEMENT	6

## CONFLICT OF INTEREST POLICY

### **1 DOCUMENT PURPOSE**

This Policy sets out SeeBeyondBorders Ireland Conflict of Interest policy. It applies to Directors as well as to all other Personnel: ie staff, volunteers, programme participants, and trustees and staff of partner organisations. It is designed to instil a culture of good faith and transparency, to raise understanding and awareness of the potential for conflicts of interest, and to remind SeeBeyondBorders Ireland Directors and Personnel of their responsibility to declare potential conflicts of interest.

The interests of personal and professional lives don't always align. Since it is much better to avoid conflicts of interest rather than manage their consequences, this document sets out how potential conflicts are disclosed and assessed before they can affect our work or SeeBeyondBorders' credibility.

### **2 GENERAL POLICY OBJECTIVES**

SeeBeyondBorders Ireland is committed to operating ethically, impartially, lawfully and diligently. We are intent upon avoiding potential, perceived and actual conflicts between SeeBeyondBorders' interests and the personal or financial interests of SeeBeyondBorders Ireland Directors and Personnel.

### **3 DEFINITION OF CONFLICT OF INTEREST**

A conflict of interest can arise where a person acting on SeeBeyondBorders' Ireland behalf, participates in, influences, or makes a decision (including but not limited to an actual or potential supplier of goods and services, recipient of grant funds, or organisation with competing or conflicting objectives) that could advantage, or be seen to advantage his/her personal or financial interests, or the interests of any other person or organisation with whom she/he has a close personal relationship or professional affiliation.

A conflict of interest can be potential, perceived or actual. It can involve financial, personal or professional gain, and can also occur as a result of attempting to avoid personal or financial loss.

#### **3.1 Material Conflict of Interest**

A conflict of interest is considered to be 'material' if a reasonable, independent, 'disinterested' person (someone not involved in the potential conflict), would take it into account in exercising judgment or making a decision. Only 'material' conflicts of interest are within the scope of this policy.

There is an increasing likelihood of a potential conflict of interest being considered 'material', as the size or scale of the possible personal/financial benefit increases.

It is worthy of note that Directors or Personnel with multiple roles are generally more exposed to potential conflicts of interest, and senior Personnel are often at greater risk of perceived conflicts of interest.

### **3.2 Objective Test for Conflict of Interest**

If, in carrying out your duties, your personal or professional interests could be advantaged / influenced, or perceived to be advantaged, then the potential for a conflict of interest exists. The test of conflict of interest should focus on the official/professional role and the personal / private relationships and interests of the person concerned. It should also consider whether a reasonable disinterested person would think these relationships or interests could conflict, or appear to conflict, with a professional role or decision.

For example, gifts or hospitality can create an obligation, or be perceived as an inducement to act or make decisions in the giver's benefit. For this reason, gifts or hospitality of more than token/nominal value are not accepted. Similarly, recommending/engaging friends or relatives to provide goods or services, can be perceived as offering benefit or favour. For this reason, goods and services should be obtained in line with our Procurement Policy.

### **3.3 Types of Conflict of Interest**

A conflict of interest exists when the interests of the charity conflicts with:

- a. The interest of a person or organisation that appointed you as SeeBeyondBorders Personnel (appointment conflict)
- b. Your own personal or business interest in relation to that matter (personal conflict)

## **4 PRINCIPLES FOR AVOIDING CONFLICT OF INTEREST**

This policy is based upon the expectation that SeeBeyondBorders' Directors/Personnel:

- will never engage in bribery, corruption, fraud or financial impropriety, and will act ethically and lawfully at all times.
- will put the organisation's interests ahead of their own.
- will not gain financial, professional, or personal benefit from their work or association with SeeBeyondBorders
- will immediately disclose any potential conflict of interest, or anything which might be perceived as a conflict, and refer same through the procedures outlines in Section 5 of this Policy
- will withdraw from discussions, decision-making, transactions, and relationships whenever a conflict of interest exists, or could be seen to exist
- are encouraged to raise related concerns/issues, at any time, with the Board, the CEO, or their manager/team leader.

## **5 PROCESS FOR MANAGING CONFLICT OF INTEREST**

It remains the responsibility of SeeBeyondBorders' Directors and Personnel to examine their interests and relationships and to declare any and all potential conflicts of interest immediately that they become aware.

A Register of Interests will record all relevant interests (actual, potential and perceived) of the Directors and of Designated Personnel<sup>1</sup>, and the actions taken to manage them – see Appendix A.

The Register is updated through an annual return made by each Director and Designated Personnel. Where a material or fundamental interest arises during the year outside of the scheduled annual update, the Trustee/Designated Personnel concerned must provide this information for inclusion on the Register.

At each meeting of the Board a standard Agenda Item ('Declaration of Interests') will allow Directors to declare a conflict in relation to a matter before the Board meeting and for entry into the Register. Minutes of the Board should reflect any such disclosed conflict of interest and how the conflict was managed, including whether the 'interested' person left the room, participated in the discussion, and/or abstained from voting.

This process for handling conflicts of interest is based on confidentiality, impartiality, fairness and prompt resolution. The timeframe for resolution will be determined by the complexity of the issue.

## **6 FAILURES RELATED TO CONFLICT OF INTEREST**

If any SeeBeyondBorders Directors or Personnel fail to avoid a conflict of interest, or to adequately disclose and/or manage a potential, perceived, or actual conflict of interest, he/she will be in breach of SeeBeyondBorders policy and may be subject to disciplinary action.

Failure to avoid, declare or manage a conflict of interest may damage SeeBeyondBorders and result in:

- A loss of public and/or partner trust in SeeBeyondBorders.
- Erosion of the reputation or credibility of SeeBeyondBorders and/or the person involved.
- Resentment among others who perceive their colleagues to be gaining unfair advantage.
- Reduced ability to respond with integrity to accusations of actual or perceived personal benefit.

## **7 Oversight and Implementation**

The Chair of SeeBeyondBorders Ireland is responsible for the oversight of this Policy including the maintenance of the Register of Interests, and the determination of whether or not an interest disclosed by a Director/Designated Personnel is a material interest. The CEO Of SeeBeyondBorders

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<sup>1</sup> For the time being Designated Personnel refers to The CEO of SBB Ireland, and the Country Co-Ordinator (Ireland).

Ireland will be responsible for implementing the Policy. Only the Chair, CEO and Secretary will have access to the Register.

## **8 DOCUMENTATION**

Once an actual, potential or perceived conflict of interest by a Director/Designated Personnel is identified, it must be raised with the Chair and entered into the Register of Interests (Appendix A of this policy).

For non-designated Personnel, minutes of committee and staff meetings or other records should reflect any disclosed conflict of interest and how the conflict was managed, including whether the 'interested' person participated in decision making. Even informal discussions of conflicts of interest should be recorded, a copy provided to the people involved, and records retained.

Details of trustee payments and benefits are included in SeeBeyondBorders' accrual accounts.

All other documentation relating to conflicts of interest will be kept confidential and will not be accessible to anyone other than those directly involved.

## **9 POLICY MANAGEMENT**

This policy takes effect from the date of approval by the Board as noted below.

Amendments and or developments will be recommended to the Board from time to time as deemed appropriate by senior management. Formal reviews will take place before the expiry of three years from the anniversary date of approval by the Board. Recommendations for change will require Board approval.

Approved by the Board of SeeBeyondBorders Ireland

Date: \_\_\_\_\_

By (Board representative): \_\_\_\_\_  
(Director)

Formal review required on or before: \_\_\_\_\_ (Date)

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Appendix A – Conflicts of Interest Policy**Register of Interests***SeeBeyondBorders Ireland*

Name of interested person (Director/Designated Personnel)	Date of appointment	Description of interest	Has the Board been notified of the interest?	Date of disclosure	Description of actions taken