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**SeeBeyond|Borders**

# CONFLICT OF INTEREST POLICY

**SeeBeyondBorders Ireland**

**SeeBeyond|Borders**  
*Change begins with Education*

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# TABLE OF CONTENTS

## Contents

|     |  |   |
|-----|--|---|
| 1   | DOCUMENT PURPOSE                             | 1 |
| 2   | GENERAL POLICY OBJECTIVES                    | 1 |
| 3   | RESPONSIBILITY OF THE BOARD OF TRUSTEES      | 1 |
| 4   | DEFINITION OF CONFLICT OF INTEREST           | 1 |
| 4.1 | Material Conflict of Interest                | 1 |
| 4.2 | Objective Test for Conflict of Interest      | 2 |
| 4.3 | Types of Conflict of Interest                | 2 |
| 5   | PRINCIPLES FOR AVOIDING CONFLICT OF INTEREST | 2 |
| 6   | PROCESS FOR MANAGING CONFLICT OF INTEREST    | 2 |
| 7   | FAILURES RELATED TO CONFLICT OF INTEREST     | 3 |
| 7.1 | Compliance with this Policy                  | 3 |
| 8   | OVERSIGHT AND IMPLEMENTATION                 | 3 |
| 9   | DOCUMENTATION                                | 3 |
| 10  | POLICY MANAGEMENT                            | 4 |

## CONFLICT OF INTEREST POLICY

### 1 DOCUMENT PURPOSE

This Policy sets out SeeBeyondBorders Ireland (SBBi) Conflict of Interest policy. It applies to Trustees as well as to all other Personnel: i.e. staff, volunteers, programme participants. 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 SBBi Trustees and Personnel of their responsibility to declare potential conflicts of interest.

### 2 GENERAL POLICY OBJECTIVES

SBBi is committed to operating ethically, impartially, lawfully and diligently. We are intent upon avoiding potential, perceived and actual conflicts between SBBi interests and the personal or financial interests of SBBi Trustees and Personnel. Conflicts of interest commonly arise, and do not need to present a problem to the charity if they are openly and effectively managed.

### 3 RESPONSIBILITY OF THE BOARD OF TRUSTEES

The Board is responsible for:

- establishing a system for identifying, disclosing and managing conflicts of interest across the charity;
- having it as standing item on the Board agenda;
- monitoring compliance with this policy; and
- reviewing this policy on an annual basis to ensure that the policy is operating effectively.

### 4 DEFINITION OF CONFLICT OF INTEREST

A conflict of interest can arise where a person acting on SBBi's 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, professional 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.

#### 4.1 **Material Conflict of Interest**

A conflict of interest is '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.

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

It is worthy of note that Trustees 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.

#### 4.2 Objective Test for Conflict of Interest

If, in carrying out your duties, your financial, 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 (including financial) 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.

#### 4.3 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 an SBBI Trustee or Personnel (appointment conflict); or
- b. Your own personal or business interest in relation to that matter (personal, professional or business conflict)

### 5 PRINCIPLES FOR AVOIDING CONFLICT OF INTEREST

This policy is based upon the expectation that SBBI Trustees/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 SBBI;
- 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 6 of this Policy;
- will withdraw from discussions, decision-making, transactions, and relationships in a manner decided by the Chair in consultation with the Secretary; and
- are encouraged to raise related concerns/issues, at any time, with the Board, the CEO, or their manager/team leader.

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

It remains the responsibility of SBBI Trustees and Personnel to examine their interests and relationships and to declare 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 Trustees and of Personnel, and the actions taken to manage them – see Appendix A.

The Register is updated through an annual return made by each Trustee and Personnel. Where a material or fundamental interest arises during the year outside of the scheduled annual update, the Trustee/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 Trustees 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.

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

If any SBBI Trustees 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 SBBI policy and may be subject to disciplinary action.

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

- A loss of public and/or partner trust in SBBI.
- Erosion of the reputation or credibility of SBBI 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.

### **7.1 Compliance with this Policy**

If the Board 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 a conflict of interest, the Board may take action against the person. This may include seeking the person's resignation from the charity.
- If a person suspects that a Trustee has failed to disclose a conflict of interest, they must notify the Company Secretary or the Chair (except where the conflict relates to the Company Secretary or the Chairperson, in which case they notify the other person).

## **8 OVERSIGHT AND IMPLEMENTATION**

The Chair is responsible for the oversight of this Policy including the maintenance of the Register of Interests, and the determination of whether an interest disclosed by a Trustee/ Personnel is a material interest. The CEO Of SBBI will be responsible for implementing the Policy. Only the Chair, CEO and Secretary will have access to the Register.

**9 DOCUMENTATION**

Once an actual, potential or perceived conflict of interest by a Trustee/ Personnel is identified, it must be raised with the Chair and entered into the Register of Interests (Appendix A of this policy). If arising at a meeting of the Board or subcommittee it should be recorded in the minutes and immediately subsequently entered into the Register by the CEO.

For all other 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.

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

**10 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 on 16 February 2023

**Next review due by 28 February 2026.**

|           |            |  |  |  |  |
|-----------|------------|--|--|--|--|
| Version 1 | 08/05/2020 |  |  |  |  |
| Revised   | 16/02/2023 |  |  |  |  |

Appendix A – Conflicts of Interest Policy

**Register of Interests**

*SeeBeyondBorders Ireland*

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

Please declare any conflict of interests, if none please state NONE below

None

Signed:  \_\_\_\_\_

Name: Rith Sarakk

Date: Friday, June 9, 2023