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StudyBeyondBorders Organisation

POLICY

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# CONFLICT OF INTEREST POLICY

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*Change begins with Education*



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# CONFLICT OF INTEREST POLICY

## 1 DOCUMENT PURPOSE

This document sets out the StudyBeyondBorders (SBB) Conflict of Interest policy. It applies to all Personnel: staff, volunteers, program participants, Board/Committee members, trustees and staff of partner organisations in so far as they are working with any of the SBB collectively referred to as “SBB Personnel”. 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 SBB 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 SBB' work or credibility.

## 2 STUDYBEYONDBORDERS OVERVIEW

SBB is a local Cambodian non-government organisation operating in rural areas of Battambang and Siem Reap Provinces. The organisation is supported by an alliance of registered development organisations in Australia (SBBA), the UK (SBBUK), and Ireland (SBBI).

SBB aims to build capability within Cambodian education policy-making, leadership, mentoring, and training to equip and motivate teachers to provide quality education to children. The organisation is committed to supporting systemic change so that educators are proud to work in the teaching profession and are highly respected by parents, communities, and peers. To this end, SBB conducts programs to mentor education leaders, upskill teachers, engage parents and communities, and develop resources that together enable the delivery of quality education to schoolchildren. The organisation seeks to embed all its work at the school, district, provincial, and national levels.

## 3 GENERAL POLICY OBJECTIVES

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

## 4 DEFINITIONS OF CONFLICT OF INTEREST

A conflict of interest can arise where a person acting on SBB'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 their personal or financial interests, or the interests of any other person or organisation with whom they have a close personal relationship or professional affiliation which may include the potential for a conflict of loyalty and include a SBB partner organisation.

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 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.

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 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 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 reasonably 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 for the giver's benefit. For this reason, gifts or hospitality of more than token/ nominal value is not accepted (as covered in the Code of Conduct). 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 the Procurement Policy.

## 4.3 TYPES OF CONFLICT OF INTEREST

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

- a. **Appointment Conflict:** The interest of a person or organisation that appointed you as SBB Personnel
- b. **Personal Conflict:** Your own personal or business interest in relation to that matter
- c. **Conflict of Loyalty:** A particular type of conflict of interest, in which a personnel's loyalty or duty to another person or organisation could prevent the personnel from making a decision only in the best interests of the development.

## 5 PRINCIPLES FOR AVOIDING CONFLICT OF INTEREST

This policy is based upon the expectation that SBB 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 SBB (and neither will 'connected persons'<sup>1</sup>).
- Will immediately disclose any potential conflict of interest, or anything which might be perceived as a conflict, and refer to guidance stated within the **conflict of interest procedure**.
- 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 Managing Director, or their manager/team leader.

## 6 FAILURES RELATED TO CONFLICT OF INTEREST

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

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

<sup>1</sup> In broad terms this means family, relatives or business partners of a trustee, as well as businesses in which a trustee has an interest through ownership or influence. The term includes a spouse or unmarried or civil partner, children, siblings, grandchildren and grandparents, as well as businesses where a staff or family member holds at least one-fifth of the shareholding or voting rights



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

## **7 DOCUMENTATION**

Once an actual, potential or perceived conflict of interest for personnel is identified, it must be raised with a Managing Director or Board member and entered into the Register of Interests. A Register of Interests must be maintained by the General Manager Shared Services and it must record all information relating to the conflict of interest (including its nature and extent and any steps taken to address it).

Minutes of Board, committee and staff meetings 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 any board member' payments or benefits are included in SBB 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.

## **8 REPORTING**

Any conflicts of interest arising for personnel should be referred to a member of the Senior Leadership Team or the Board as swiftly as practicable. The person who receives the report will be responsible for the investigation and management of the conflict of interest.

Where a staff member or volunteer has a conflict of interest, they must refer to their line manager or Managing Director. However, they should not feel in the least precluded from contacting any member of the Board.

Only Board members, the Managing Director, General Manager Shared Services and Human Resource Manager have access to the register.



## **9 POLICY MANAGEMENT**

This policy has been approved by the General Manager Shared Services and the Managing Director of SBBC as noted below.

Amendments will be recommended to the Managing Director from time to time as deemed appropriate by the General Manager Shared Services, usually annually. Formal reviews are recommended every three years from the anniversary date of approval by the Managing Director. Recommendations for minor changes can be approved by the General Manager Shared Services before the Managing Director review every three years.

This policy and any amendments have also been reviewed by the SBBC Board, as noted below.

Doc Ref	Doc Type	GM-Shared Services	Managing Director	Board Review	Minute Ref
CoIP/12/2024/1.0	Policy	Approved//11/2024	Approved/12/2024		Email