



Conflict of Interest Policy

Version Control

Version No.	Date	By (Name, Position)	Details of changes	Reviewed and approved by (Name, Position)
1	24.5.2018	David Dalton, Executive Director	N/A	SHA Board on 24.5.2018
2.	28.11.2018	David Dalton, Executive Director	Disclosure, update Co Law ref update.	SHA Board on 29.11.2018
3.	18.02.2022	David Dalton, Executive Director	Branding, CR guide updates & UK refs	SHA Board on 24.02.2022

A handwritten signature in blue ink that reads "David Dalton".

David Dalton
Executive Director

A handwritten signature in blue ink that reads "Peter McDevitt".

Peter McDevitt
Chief Finance Operation Officer

1. PURPOSE

The purpose of this policy is:

- To effectively identify, record and manage any conflicts of interest and loyalty.
- To ensure all trustees and employees act in the best interest of the Gorta Group charities and social enterprises.
- To set out the responsibilities in reporting conflicts of interest and loyalties.
- To provide information and guidance on how to identify, disclose, and manage actual and potential conflicts of interest.
- To protect the integrity of the Gorta Group charities, social enterprises and employees from the appearance of impropriety.

2. SCOPE

This policy applies to the Gorta Group Board, United Purpose Board, all Gorta Group (and subsidiary companies) trustees, employees including affiliate organisations and to all paid and unpaid consultants, contractors, interns, secondees, visitors and volunteers that provide supplies, services or support to Gorta or promote its work at any of its locations. All such parties are referred to as 'employee' in this document. Hereafter "Board" is employed as a collective term and refers to the GG Board as well as the boards of Self Help Africa UK, Self Help Africa NI, United Purpose, Concern Universal, Partner Africa, TruTrade, Village Aid, UP Trading and the boards of any entities that form part of the group now and in the future. The Gorta Group (GG) is employed as a collective term and refers to Self Help Africa, United Purpose, Concern Universal, Partner Africa, TruTrade or other entities that may form part of the group now and in the future. The policy also applies to Gorta Group partners, suppliers and other third parties where it is included or referenced in a relevant bid or tender documents, agreements, memorandums, purchase orders or contracts.

3. OBJECTIVE

The Gorta Group aim to conduct work in an honest, open and ethical manner and in compliance with applicable law, regulation and best practice. The Board aims to ensure that the trustees and staff are aware of their obligations to disclose any conflicts of interest or loyalties they may have, and to comply with this policy. The Board want to ensure that the integrity of decision making is protected and stakeholder trust maintained in the Gorta Group.

4. POLICY

Conflicts of interest will occur. Even the appearance of a conflict of interest has the potential to damage the Gorta Group's reputation.

The approach in this policy is one of disclosure rather than automatic prohibition of transactions that may give rise to a conflict of interest. Once disclosed, potential or actual conflicts of interest will be considered and actions to address conflicts of interest identified on a case by case basis with decisions documented.

4.1 Responsibilities

The Gorta Group will manage conflicts of interest and loyalty by requiring employees to:

- Avoid conflicts of interest where possible
- Identify and record conflicts of interest
- Carefully manage any conflicts of interest
- Follow this policy and respond to breaches

The Board is responsible for:

- Ensuring a system is in place to identify, disclose and manage conflicts of interest
- Monitor compliance with the policy
- Review the policy regularly to ensure it is appropriate
- Understand their legal and regulatory obligations

4.2 Conflict of interest

A conflict of interest is any situation in which a charity trustee's or employee's personal interests or loyalties could, or could be seen to, prevent the person from deciding in the best interests of the group. This personal interest may be direct or indirect and can include interests of a person connected (connected person) to the charity trustee or employee.

“Personal interests” include your own interests or those of your immediate family or an organisation in which you are involved. In other words, a conflict of interest or loyalty arises where your ability to act impartially and objectively is or appears to be compromised for reasons involving family, personal life, financial interests, or other interests outside of the Group.

4.3 Identifying if you have a conflict of interest

When deciding whether a potential conflict of interest should be disclosed, consider the situation from the perspective of an outsider.

Ask
yourself

Would a reasonable person, who was aware of the employee's personal interest, believe that the employee might be influenced by that personal interest when making a decision on behalf on the charity?

Even an unfounded perception of impropriety can potentially be damaging to the reputation of the Gorta Group.

This policy cannot describe all conflicts of interest. You must exercise sound judgement and respect the spirit as well as the wording of this policy and ensure you avoid any appearance of impropriety. If unsure speak to your line manager and together decide on whether a disclosure is needed, documenting that decision. If in doubt, err on the side of caution and make a disclosure.

Below is a non-exhaustive list of examples of conflicts of interest:

- A family or household member or an intimate friend is a director or the joint or sole owner of a supplier that the Gorta Group is considering using.
- A family or household member or an intimate friend directly or indirectly leases, rents, buys or sells property to or from the Gorta Group.
- An employee, volunteer or board member uses confidential information acquired as a result of their position within the Gorta Group to further their private interests.
- An employee is a relative or intimate friend of a manager who makes decisions on job responsibilities, pay and promotions relating to that employee.
- An employee involved in deciding on recruitment is related to or in an intimate relationship with a candidate.
- A trustee or employee provides advice or is otherwise involved in an organisation which competes for donor funding with the Gorta Group.

4.4 Disclosure

Interests will be recorded on the charity's "Conflict of interest register" and maintained by the Company Secretary. The register will be accessible by the Board, the Chair of the AFRC, GCEO, ED, Compliance manager and the Company Secretarial team.

The information will be processed in accordance with data protection principles as per General Data Protection Regulations. Data will be processed only to ensure that directors and senior staff act in the best interests of the Group. The information provided will not be used for any other purpose.

When to disclose:

- On employment or appointment to the Board - each employee or trustee has a duty to disclose fully any interests such as relationships or posts held that could potentially result in a conflict of interest by completing the **Conflict of Interest Disclosure Form at Appendix 1**.
- All employees and trustees redeclare annually and as and when a conflict arises.
- Each trustee and employee has a responsibility and duty to report new conflicts of interest as they arise. Follow *Gorta Group Procedure Guide: Conflicts of Interest*.
- In a procurement: each member of the relevant procurement or evaluation committee must complete sign the **Declaration for Members of The Tender Evaluation Committees at Appendix 2** prior to commencing the evaluation process.
- In a recruitment: each member of the recruitment panel must complete and sign the **Recruitment Conflict of Interest Form at Appendix 3**.
- All potential/actual conflicts of interest involving the use of funds received from institutional donors will be communicated to the Compliance manager at Group Head Office.

Disclosures will be kept on file and updated as and when any other potential or actual conflicts of interest arise. Undeclared conflicts of interest are considered fraud under our Anti-Fraud and Anti-Corruption Policy.

4.5 Responsibilities after disclosure

- If you disclose a conflict, you must **remove yourself from consideration of the underlying transaction**. You should excuse yourself from staff, Board and other meetings during consideration of the transaction. You should avoid discussing the transaction with colleagues, except your line manager, and then only if you have information relevant to the transaction. While you should not stray into the specific transaction, you may participate in more general deliberations, for example, about a programme field, that have no implications for the Gorta Group's relationship with the vendor or beneficiary.
- The GCEO/Executive Director and/or the Audit, Finance and Risk Committee may **waive** all or part of these requirements, to the extent permitted under donor rules and agreements, if it is believed that your participation will not create actual or apparent impropriety.
- Staff, committee and Board **meeting agendas** will segregate matters that require a person to absent his/herself on grounds of conflict of interest, and the **meeting minutes** will describe the conflicts of interest, disclose any related discussions, explain the reasons for allowing a person to excuse themselves, and document compliance with these procedures. Where a quorum is required for any meeting, a person who has a conflict of interest will not be counted towards the quorum.
- Line managers with support, agree and document decision making to manage conflict.
- Board members and trustees will ensure they follow appropriate guidance from Regulators¹ in managing conflicts of interest or loyalties.

¹ Charity Regulator *Managing Conflicts of Interest*, Charity Commission *Conflicts of Interest: A guide for Charity Trustees* and/or The Charity Commission for NI *Running your charity guidance*

4.6 Other steps to address a conflict of Interest

In most cases it will be sufficient to remove the person affected from any involvement in the matter giving rise to the conflict of interest so that we can proceed with the matter in an impartial and objective manner. In some circumstances, further steps may be required to address a significant or ongoing conflict of interest. These may involve recruiting a third party to assist, removing the individual affected from relevant duties, requiring an individual to relinquish a private interest or, in exceptional cases, resignation.

4.7 Approval in the case of material benefit

If a Gorta Group trustee or employee will receive a material benefit as a result of a conflict of interest where there is a material benefit, the Group will enter into the transaction only with the approval of the Audit, Finance and Risk Committee as well as the approval of the Group Board.

4.8 Exclusivity of service

During your employment with the Gorta Group you will devote your full time and attention to your duties with the group and will not (without the prior written consent of the Executive Director) directly or indirectly either on your own account or on behalf of any other person, company, business entity or other organisation engage in, or be concerned with, or provide services to any other business or accept any other engagement or office.

The Gorta Group encourages non-profit service outside the Gorta Group. However, it will only be where such service as a director, trustee or committee member, whether as a fiduciary or as an advisor, will not give rise to a potential conflict of interest or loyalty or have potential to give rise to a security concern.

4.9 Sanctions

Violations of this policy may amount to misconduct and be subject to the Gorta Group entities disciplinary procedures up to and including dismissal.

4.10 Laws, Regulations & Standards

This policy supplements laws that regulate conflicts of interest and impose fiduciary duties. So, for example, members of the Board of the Gorta Group are also subject to the provisions of the Companies Act 2014 & Charities Act 2009 and in the UK the Companies Act 2006 & Charities Act 2011. Similarly, members of the Board of other Group companies are subject to provisions under relevant legislation in that jurisdiction. Compliance with this policy may not ensure compliance with such legal requirements and directors & Trustees should seek local legal advice. This policy supports Principle 10 - Anti-Corruption, of the United Nations Global Compact.

4.11 Monitoring

The Gorta Group will monitor the implementation of this policy on a regular basis (minimum annually). This policy will be periodically reviewed and updated as appropriate.

5. DEFINITIONS

Connected person is a trustee or employee spouse, civil partner, parent, brother, sister, child, child of spouse, civil partner, brother and/or sister; grandparent or grandchild, business partner. Any person the employee or trustee is in a partnership with. Any person the individual is employed by under a service or contract. A body corporate if the individual has control of, or if the individual and any of the above mentioned connected persons together have control over it.

Trustee in the case of the Gorta Group, the directors, board and committee members and other officers of the company.

6. RELATED POLICIES AND GUIDES

Code of Conduct, Whistleblowing Policy, Employee Handbook, Anti-Fraud and Anti-Corruption Policy, Gorta Group Procedure Guide: Conflicts of Interest.

7. FURTHER GUIDANCE FOR TRUSTEES

- [Charity Commission's](#) Operational Guidance *Trustee Responsibilities*
- [Charity Commissions](#) *Conflicts of Interest: A Guide for Charity trustees and Legal underpinning (CC29)*
- [Charity Commission](#) *Guide the provisions of the Data Protection Act 1998 OG 58 A3 Feb 2002*
- [ICSA's](#) guide *Managing Conflicts of Interest in the Not-for Profit Sector (Revised 2005)*
- [Charity Regulator](#) *Managing Conflicts of Interest May 2018*
- [Charity Regulator](#) *Guidance for Charity Trustees 2017*
- [Charity Commission for Northern Ireland](#) *EG024 Running your charity guidance*



APPENDIX 1

CONFLICT OF INTEREST DISCLOSURE FORM

Date: _____

Name: _____

Position (employee/volunteer/board member): _____

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest between the Gorta Group and your personal interests, financial or otherwise:

_____ I have no conflict of interest to report

_____ I have the following conflict of interest to report (please provide details and insert additional pages where necessary)

1. _____

2. _____

3. _____

I hereby certify that the information set forth above is true and complete to the best of my knowledge (having made reasonable enquiries).

I have reviewed, and agree to abide by, the Gorta Group Conflict of Interest Policy.

Signature: _____ Date: _____



APPENDIX 2

DECLARATION FOR MEMBERS OF THE TENDER EVALUATION COMMITTEE

I, the undersigned, hereby declare that I agree to participate in the evaluation of the above mentioned [procurement procedure].

By making this declaration, I confirm that I will execute my responsibilities impartially and objectively.

I hereby also declare that I am independent of all parties who stand to gain from the outcome of the evaluation process.

To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, which might place me in a situation of conflict of interest or otherwise call into question my independence in the eyes of any party; and, if I discover or should it become apparent during the course of the evaluation process that such a relationship exists or has been established, I will declare it immediately and cease to participate in the evaluation process.

I declare that I have not been employed by any of the [Candidates/Tenderers] within the past 3 years.

I agree to hold in trust and confidence any information or documents disclosed to me, discovered by me or prepared by me in the course of or as a result of the above-mentioned evaluation exercise and agree that it will be used only for the purposes of this evaluation and will not be disclosed to any third party. I also agree not to retain copies of any written information or prototypes supplied.

NAME		SIGNATURE		DATE	
NAME		SIGNATURE		DATE	
NAME		SIGNATURE		DATE	
NAME		SIGNATURE		DATE	



APPENDIX 3

RECRUITMENT CONFLICT OF INTEREST DISCLOSURE FORM

Vacancy _____

Date: _____

Name: _____

Position (employee/volunteer/board member): _____

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest in relation to the recruitment of the above vacancy.

_____ I have no conflict of interest to report

_____ I have the following conflict of interest to report (please provide details and insert additional pages where necessary)

1. _____

2. _____

3. _____

I hereby certify that the information set forth above is true and complete to the best of my knowledge (having made reasonable enquiries).

I have reviewed, and agree to abide by, the Gorta Group Conflict of Interest Policy.

Signature: _____ Date: _____

Candidate		Candidate	
Candidate		Candidate	
Candidate		Candidate	
Candidate		Candidate	

Please return this form to HR prior to the commencement.