

Conflict of Interest Policy (V1.1, EN)

November 21st 2023

Controlled Document Control Sheet		
Document Title	Conflict Of Interest Policy	
Document Type	<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Guidelines/Guidance Note/ Position Paper <input type="checkbox"/> Strategy <input type="checkbox"/> Standard	
Purpose	The purpose of this COI Policy is to effectively identify, declare, manage and record all COIs in a timely manner.	
Document Owner	Director of Compliance Services	
Updated by:	Director of Compliance Services	
Audience	<input checked="" type="checkbox"/> Concern Worldwide <input checked="" type="checkbox"/> Concern Korea <input checked="" type="checkbox"/> Concern Rol <input checked="" type="checkbox"/> Concern Charity Trading <input checked="" type="checkbox"/> Concern UK <input checked="" type="checkbox"/> Country Office <input type="checkbox"/> Concern US	
Version	1.1	
Approval Date	5 th December 2023	
Approved By	<input checked="" type="checkbox"/> Board <input checked="" type="checkbox"/> Concern Worldwide SMT <input checked="" type="checkbox"/> Board Committee <input type="checkbox"/> Steering Group <input type="checkbox"/> Director <input type="checkbox"/> Manager	<input type="checkbox"/> Regional Director <input type="checkbox"/> CMT <input type="checkbox"/> Country Director <input type="checkbox"/> Member of CMT <input type="checkbox"/> Subject Expert
Name	SMT, Audit and Risk Committee and Board of Concern Worldwide	
Issued Date	January 2024	
Next Review Date	November 2026	
Retirement Date	N/A	
Cross Reference to other Controlled Documents	Concern Worldwide Code Of Conduct	
Relevant Laws and Regulations		

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Date	Version	Changes	Created by
26/09/2020	1.0	Policy approved by the Board of Concern Worldwide	Jim Hynes
21/11/2023	1.1	Update of language and clarification	Alice Flaherty

1. INTRODUCTION

Concern Worldwide recognises that staff will develop relationships, friendships and contacts in their personal and working lives. The majority of these relationships can be regarded as a purely private matter. However, a conflict of interest (“COI”) may arise where one party in the relationship can grant the other an unfair advantage or disadvantage or can exert improper influence over a decision relating to the other, which may result in actual or perceived bias and unfair treatment.

The Concern Code of Conduct explicitly requires staff to acknowledge potential Conflicts of Interest that arise and to take steps to prevent them influencing behaviour (this is most clearly set out in the fourth *Standard of Conduct* which is reproduced in Appendix 1). This Conflict of Interest Policy (“COI Policy”) is intended to assist staff in fulfilling their commitments under the Concern Code of Conduct by clearly setting out Concern Worldwide’s processes and procedures to address any COIs that arise. It applies to all staff of Concern Worldwide.

“Concern Worldwide” includes the following corporate entities: Concern Worldwide (including all its branches/offices in programme countries), Concern Worldwide (UK), Concern Korea Foundation, Concern Charity Trading, Concern Worldwide (NI), and any subsequent subsidiaries that may be incorporated from time to time.

“Staff” for this purpose are defined as:

- i. all employees of the Concern Worldwide;
- ii. all secondees and interns of the Concern Worldwide;

This policy does not apply to the staff of partner organisations, those agencies are however expected to have their own internal COI Policy in place to provide equivalent protection against COIs.

This policy does not apply to the Boards of Directors of the corporate entities listed above. The management of COIs at Board level is detailed in the Governance Framework for each entity.

2. PURPOSE

Concern Worldwide promotes a culture of transparency, integrity and professionalism at every level within the organisation. The purpose of this COI Policy is to effectively identify, declare, manage and record all COIs in a timely manner in order to:

- Protect the integrity of Concern Worldwide’s governance structure and decision-making processes;
- Encourage public trust and confidence; and
- Ensure that staff observe the fundamental duty to act in the best interest of the charity.

3. WHAT IS A CONFLICT OF INTEREST?

A COI arises (actual/existing COI), may arise (potential COI), or appears to another person to arise (a belief/perception) where a staff member’s personal, financial, business, political or family interest(s) and/or loyalty conflicts with the interests of Concern Worldwide.

We understand that COIs can and do arise from time to time. That is unproblematic, they only become problems when they are not declared and managed appropriately.

Staff members are required to declare any interest, which might affect, or might reasonably be thought to affect impartial judgement. Not declaring interests can give rise to suspicion of improper motives even where none exist. The importance of transparency of judgements and transactions is paramount.

To help decide whether you have a COI, imagine you are explaining your actions and how it would appear to an external third party. Even the appearance of a COI has the potential to damage Concern Worldwide's reputation and to adversely affect the communities with whom we work. If in doubt, declare.

Please see Appendix 2 to this COI Policy for a non-exhaustive list of COI examples and please refer to Section 5 on how to report and resolve any COIs that may arise.

4. DECLARATION OF INTEREST

There are three types of declarations that staff members may be obliged to make: (i) general; (ii) annual and (iii) when any COI arises.

4.1. General

General declarations are affirmations that the staff member is not aware at the point at which the declaration is made of any conflict that would prevent the staff from taking-on/concluding planned organisational responsibilities. They will be required in the following situations:

Who must declare?	Circumstances
New Staff Induction/ Appointment	As part of their on-boarding process with Concern Worldwide, all new employees (Head Office and Country Programme), secondees , interns , volunteers are required to sign the Code of Conduct and as a result they confirm at that point – see Appendix 1 – that they have no COIs.
Staff engaged in Procurement	Staff members involved in Concern Worldwide's procurement processes are required to confirm when entering/concluding those processes that they are free of COIs. (See Concern Overseas Procurement Manual).

4.2. Annual

Annual declarations are intended as confirmations by staff in key organisational decision-making roles that:

- They did not experience COIs during the year;

Or

- Any COIs that they did experience were resolved in accordance with this policy.

Annual declarations will be required from the following staff:

Who must declare?	Circumstances
Home Office Staff with significant decision-making authority	<p>Decision-making powers are delegated from each Board of Directors through the organisational <i>Delegation of Authority</i> to various levels of management and staff. As a result, the SMT of each corporate entity listed above will have significant decision making powers and will as a result be required to make an annual declaration.</p> <p>Within each entity, the SMT should consider whether they have further delegated significant decision making authority and where that is the case, they should require annual declarations from the additional individuals or grades identified as exercising such authority.</p> <p>Declaration should be as set out in <u>Appendix 3</u> to this COI Policy.</p>
Country Programme staff with significant decision-making authority	<p>Many Country Programme related decision-making powers are delegated through the organisational <i>Delegation of Authority</i> to the Country Director and the country management team (CMT), in each country of operation. As a result, members of the CMT* of each Country Programme will also be required to make an annual declaration.</p> <p>Within each Country Programme, the CMT should consider whether they have further delegated significant decision-making authority and where that is the case, they should require annual declarations from the additional individuals or grades identified as exercising such authority.</p> <p>Declaration should be as set out in <u>Appendix 3</u> to this COI Policy.</p> <p>*= As there may be some differences in the composition of CMTs across the Country Programmes, for the purposes of this policy the following roles will be required to submit COI declarations: CD, PD, SD, CFC, AFC, Logistics Manager, Transport Manager, HR Manager any Consortium Director and any other role that is part of the country's CMT.</p>

4.3. When a COI arises

Staff must proactively declare any and all COIs (actual and potential), as and when they arise in the course of their employment, or term of office or other engagement with Concern Worldwide. The responsibility is on each individual staff member to make their own declaration(s) at the earliest opportunity once they become aware that a conflict exists or may exist. The next section explains how conflicts should be reported and processed.

5. WHAT TO DO WHEN YOU HAVE A COI

To promote transparency and protect all parties involved, staff are required to declare all COIs (actual or potential) so that they are managed and recorded effectively. There is no specific format for declaring a COI, but the declaration should always be in writing and should explain the nature and scope of the conflict identified and the immediate steps being taken to separate from the conflict – pending its resolution. A sample reporting format is provided in Appendix 4 for declaring a COI, but any detailed written declaration will be accepted.

Similarly communication in relation to resolving the conflict (see below), should always be in writing.

All staff members are responsible for identifying and declaring COIs. It is important to note that a COI is not prohibited, but it must be declared and treated. However, not disclosing a COI is prohibited and may result in disciplinary action. The standard solution to a COI is to remove either the declarer or the source of conflict from the situation so that the conflict is eliminated. Other solutions e.g. appointing an independent person to have sight of and advise on the management of a conflict should only be adopted where removal is impossible and the alternative strategy is regarded as likely to ensure impartial results.

There are always three stages in dealing with a COI: identify/declare; review/resolve and escalate. The stages are as follows:

Stage	Head Office Employees, Secondees, Interns	Country Programme Employees, Secondees, Interns
Identify/ Declaration of Interest	Where a staff member identifies a COI (actual or potential) they should consult this COI Policy and declare the interest to their Director. Pending Review, the Declarer <u>must</u> immediately step away from any involvement and have no further interaction until COI is reviewed and resolved	Where a staff member identifies a COI (actual or potential) they should consult this COI Policy and declare the interest to their Line Manager or Programmes Director or Systems Director. Pending Review, the Declarer <u>must</u> immediately step away from any involvement and have no further interaction until COI is reviewed and resolved
Review/Resolve	The Director will be responsible for reviewing the conflict and proposing a solution – which should be sent - in writing - back to the Declarer (HQ Head of Internal Audit and Investigations to be copied on proposed solution). The Director responsible for reviewing and resolving the conflict should escalate the decision for further approval in any of the following circumstances:	The Line Manager or Programmes Director or Systems Director will be responsible for reviewing the conflict and proposing a solution – which should be sent - in writing - back to the Declarer (HQ Head of Internal Audit and Investigations to be copied on proposed solution). The Programmes Director or Systems Director responsible for reviewing and resolving the

	<ul style="list-style-type: none"> • The conflict involves a material amount i.e. in excess of €5,000 • The conflict arises in relation to an investigation of any kind • The reviewer/resolver also experiences a conflict. • The proposed solution does <u>not</u> require removal from the conflict 	<p>conflict should escalate the decision for further approval in any of the following circumstances:</p> <ul style="list-style-type: none"> • The conflict involves a material amount i.e. in excess of €5,000 • The conflict arises in relation to an investigation of any kind • The reviewer/resolver also experiences a conflict. • The proposed solution does <u>not</u> require removal from the conflict
Escalate	The COO will review any decisions escalated and respond in writing (copying HQ Head of Internal Audit and Investigations), with a final decision re how to resolve the conflict.	The CD will review any decisions escalated and respond in writing (copying HQ Head of Internal Audit and Investigations), with a final decision re how to resolve the conflict.

6. RECORDS

COI declarations and resolutions should always be in writing and should be stored/filed as follows:

Document	Filing/Storage	Responsible for Securing/Filing
Signed Concern Code of Conduct when hired	On staff member's HR File	HR Function where hired
Declarations relating to a procurement process	All records of each procurement including COI declarations should be filed together in the Logistics function.	Logistics Function where procurement occurs
Annual Declaration required from home office SMT	Copies of all required declarations to be secured and securely stored by the Assistant Company Secretary.	Assistant Company Secretary
Additional Annual Declarations required from non-SMT home office staff	Copies of all required annual declarations to be secured and securely stored by the Assistant Company Secretary.	Assistant Company Secretary
Annual Declaration required from Country Programme CMTs	Copies of all CMT declarations to be secured by CD and transferred to RD.	Assistant Company Secretary to store declarations once provided by RD from Country Programme Annual Report

Additional Annual Declaration required from Country Programme staff who are not CMT members	SD in consultation with CD to decide appropriate in-country storage mechanism.	SD
Declared Conflicts of Interest (HO)	File to be maintained in Head Office by the relevant manager.	Manager responsible for resolving the conflict
Declared Conflicts of Interest (Country Programmes)	File to be kept in country by Systems Director.	SD

Records relating to COIs should be stored for a minimum period of seven years from the date of the conflict.

7. RAISING CONCERN

Where you believe a staff member is conflicted, and has not declared or fully declared a COI, it is your duty to speak up. Please raise any such issues with a senior manager or consult our Whistleblowing Policy or email whistleblowing@concern.net in confidence.

8. COMMUNICATION AND TRAINING

Concern Worldwide will effectively communicate and provide training on this COI Policy to all staff on induction/appointment.

This COI Policy will be reviewed every three years.

9. COMPLIANCE WITH THIS POLICY

Any violations of this COI Policy, including any failure to report a COI (actual or potential), will be dealt with in accordance with Concern Worldwide's Disciplinary Procedure and may result in a disciplinary sanction up to and including dismissal.

Concern Worldwide reserves the right to report any suspected fraudulent or criminal activities to the relevant authorities.

10. NATIONAL LAWS

For the avoidance of doubt, this COI Policy supplements laws that regulate COIs and related fiduciary duties, including but not limited to applicable company and charity law.

11. DATA PROTECTION

Any information provided to Concern Worldwide under this COI Policy will be processed in accordance with the purposes set out in this policy and applicable data protection law. This will include the processing of information to ensure that staff members act in the best interests of Concern Worldwide and that Concern Worldwide complies with the requirements of all donor contracts. Such information may also be reported in statistical form in Concern Worldwide's accounts and annual report where required under applicable law or accounting guidelines.

APPENDIX 1 - EXTRACT FROM CONCERN WORLDWIDE CODE OF CONDUCT

Standards of Conduct (item 4)

As a staff member of Concern I **commit myself to:**

...

4. Perform my duties and conduct my private life in a manner that avoids possible conflicts of interest with the work or reputation of Concern and my work as a staff member of the organisation.

1. I will avoid situations where my personal interests could conflict, or reasonably appear to conflict, with the interests of Concern. Therefore, I will not enter into any sort of business relationship on behalf of Concern with family members, friends or other personal/professional contacts for the supply of any goods or services to Concern or any employment related matters without authorisation from senior management. I will declare any potential conflict of interest to my line manager.

2. I will not be involved in awarding benefits, contracts for goods/services, employment or promotion within the organisation to any person with whom I have financial, personal, family (or close intimate relationship) interests.¹²

3. I will not accept bribes or gifts (except small tokens of appreciation) or any remuneration which have been offered to me as a result of my employment with Concern by governments, beneficiaries, partners, suppliers or any other persons. I will notify my line manager if I am offered or have received gifts of any kind, however small.¹³

4. I am aware that sexual relationships between a Concern staff member and a beneficiary are likely to be based on inherently unequal power dynamics and may undermine the credibility of the organisation and its work. I know that Concern considers such sexual relationships inappropriate. Should I be in or develop a sexual relationship with a beneficiary, I will immediately inform a senior manager in my programme area of the relationship.¹⁴

5. I will not undertake work or duties outside of Concern that negatively influence my ability to perform my function, or which may have a negative impact on the work of Concern.

APPENDIX 2 - EXAMPLES OF CONFLICTS OF INTEREST

It should be noted that the existence of a conflict of interest is not prohibited in Concern Worldwide. It is recognised that such conflicts can exist. The requirement is for any conflict of interest to be declared. Once the COI is declared and the appropriate measures put in place (as described above) there is no further action to be taken. A staff member will not be penalised for reporting a COI.

Any violations of this COI Policy, including any failure to report a COI (actual or potential), will be dealt with in accordance with Concern Worldwide's Disciplinary Procedure and may result in a disciplinary sanction up to and including dismissal.

While it is not possible to list every situation that could present a conflict, there are certain areas where conflicts typically arise, which include:

Financial Interests

- You or a Connected Person (see definition below) works for or is a director or owner of or is responsible for purchasing or selection decisions regarding one of a supplier or contractor that Concern Worldwide is considering using.
- A former Concern Worldwide employee with whom you are familiar contacts you directly or indirectly on behalf of an organisation tendering for a contract from Concern Worldwide for which you have responsibility.
- A staff member uses confidential information acquired as a result of their position within Concern Worldwide to further their private interests or those of a Connected Person.
- A staff member provides advice or is otherwise involved in an organisation which competes for donor funding with or is in receipt of funding from Concern Worldwide.

Personal Interests

- A Country Programme office employee is in a position to make (or influence) a decision about allocation of resources or funds that could directly benefit themselves, their own community or their family's community e.g. having a family member, friend or relative on a distribution list that the employee is preparing.

Property Interests

- You (or a Connected Person) directly or indirectly lease, rent, trade or sell real or personal property to or from Concern Worldwide.

Family relationships

- A candidate/employee is a Connected Person of a Concern Worldwide manager/employee/director who makes decisions on recruitment, job responsibilities, pay and promotions relating to that candidate/employee.

Outside activities or Commitments

- You agree to serve as a director or in any other key role/decision making role in a business which is or seeks to be one of Concern Worldwide's competing charities or competitors, suppliers or implementing partners.

Social/political

- Participating in social or political activities is not restricted as long as you participate as an individual and not as a representative of Concern Worldwide. Such participation should not call into question your impartiality or affect your advice or actions within Concern Worldwide.
- We must also be alert to any situation, affiliation and relationship that may create a potential COI, the appearance of impropriety or interfere with the discharge of your responsibilities on behalf of and in the best interests of Concern Worldwide. For example, working or volunteering with a Connected Person can present conflicts, especially if the functions you perform, or the division of duties interferes with objective decision making.

"Connected Person" includes spouse, co-habiting partner, child, parent, sibling, close associate or intimate friend. **This COI Policy cannot describe all COIs and therefore you will need to exercise sound judgement and respect the spirit as well as the wording of this Policy.**

APPENDIX 3 – ANNUAL DECLARATION re CONFLICTS OF INTEREST

Declarant's Name:			
Declarant's Address:			
1. Declaration (delete statement a or b as appropriate)			
(a) I have read Concern's Conflict of Interest Policy and confirm that I had no conflicts of interest during the year-ended dd/mm/yyyy .			
Or			
(b) I have read Concern's Conflict of Interest Policy and confirm that I experienced conflicts of interest during the year-ended dd/mm/yyyy . The conflicts experienced were as follows:			
Conflict	Date conflict was reported	To whom it was reported	Has conflict concluded
I hereby confirm that the Declaration made above is complete and correct to the best of my knowledge, information and belief. I will notify my Line Manager as applicable, immediately should I become aware that this Declaration has become inaccurate or that I have otherwise not complied with the Conflict of Interest Policy.			
Print Name:			
Signature:		Date:	

Please use a continuation sheet where required

APPENDIX 4 – CONFLICT OF INTEREST DISCLOSURE STATEMENT

Concern Worldwide
Conflict of Interest Disclosure Statement

Please complete this Statement and return it to your Departmental Manager (HO)/Systems Director (Country Programme).

I hereby disclose the following conflict of interest:

- (1) Description of circumstances giving rise to the conflict of interest (see list of examples in Appendix 2):
- (2) Expected scope duration of the conflict of interest e.g. the conflict may only relate to a single transaction or it may go on for a period of time or be of indefinite duration:
- (3) Detail measures taken to date to step away from the conflict of interest - pending agreement as to how it will be managed/resolved

Dated:

Name:

Signature: