

CLAN Conflict of Interest Policy

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1. Introduction

CLAN is committed to high standards of ethical conduct and accordingly places great importance on making clear any existing or potential conflict of interest.

Conflict of interest means a situation where an individual or organisation is involved in multiple interests, one of which could possibly corrupt the motivation for an act in the other. The presence of a conflict of interest is usually independent from the execution of impropriety. Hence, a conflict of interest can be discovered and voluntarily defused before any corruption occurs.

2. Purpose

This policy has been developed to provide a framework for all Committee Members of CLAN to effectively identify, disclose and manage any real or perceived conflicts of interest in order to protect the integrity of CLAN and manage risk.

3. Scope

This policy applies to all Committee members, staff, volunteers and partner organizations of CLAN whilst in the planning and delivery of CLAN programs.

4. Definitions

Term	Definition
Conflict of interest	A set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest. This situation presents a risk that the person may make a decision that is not based on the best interests of CLAN. A conflict of interest may be real or actual apparent or perceived, potential of foreseeable.

5 Policy

It is the policy of CLAN as well as the responsibility of the Committee that financial, ethical, legal or other conflicts of interest are avoided and that any such conflicts, if they do arise, will not conflict with the responsibilities and obligations of CLAN.

6 Responsibilities of the Committee.

The Committee is responsible for preventing a conflict of interest by:

- i. the inclusion of a standing agenda item at governing body meetings
- ii. the documentation of any examples of conflict of interest in the minutes of governing body
- iii. establishing a quorum for dealing with any conflict of interest matters which may arise among Executive Committee members from a single family
- iv. monitoring compliance with this policy
- v. reviewing the policy on an annual basis to ensure that the policy is operating effectively.

Clan will strive to manage conflicts of interest by requiring Committee members, staff, volunteers and partners to:

- i. avoid conflicts of interest where possible
- ii. identify and disclose any real or perceived conflicts of interest
- iii. carefully manage conflicts of interest as aligned to this Policy
- iv follow this policy and respond to any breaches.

7. Procedures

- i CLAN will strive to manage conflicts of interest by requiring Committee members to avoid conflicts of interest where possible and may request a written agreement from staff and volunteers to abide by the policy.
- ii. CLAN will endeavour to prevent possible conflict of interest through advising and discussing with staff and volunteers on how to avoid being placed in a situation of perceived obligation or indebtedness, and strategies to manage a conflict of interest situation.
- ii. CLAN places great importance on making clear any existing or potential conflicts of interest. All such conflicts of interest shall be declared by the member concerned and documented in the Committee Conflicts of Interest Register. A Committee member who believes another Committee member has an undeclared conflict of interest should specify in writing the basis of this potential conflict.
- iii. Members shall declare any conflicts of interest either at the start of the Committee meeting concerned or when a relevant issue arises. The nature of this conflict of interest should be entered into the meeting minutes. The interest should also be documented in the Conflict of Interest Register.
- iv. In a CLAN committee meeting where a conflict of interest or potential conflict of interest is identified and/or registered, the Committee member concerned shall leave the room (or leave the conference call as appropriate) as soon as that item comes up for discussion. The concerned Committee member shall not vote on that issue, nor initiate or take part in any Committee discussion on that topic (either in the meeting or with other Committee members before or after the Committee meetings), unless expressly invited to do so by unanimous agreement by all other members present.
- v. If a person declares themselves to have existing or potential conflict of interest confidentiality will be respected.
- vi. If a person does not agree with the perception that he/she is in a conflict of interest situation, dispute resolution procedures will be implemented.
- vii. if a conflict of interest is discovered 'after the fact', CLAN executive will review the outcome to determine the potential impact on the decision made and activities implemented by CLAN and implement procedures for dealing with any issues due to the conflict of interest.

- viii. If a person alleges that another person has a conflict of interest, whether existing or potential, the Committee will make a recommendation as to what action shall be taken.
- ix. The Committee will consider and decide what action to take where a conflict of interest may arise.
Options include decisions such as:
 - a. whether the conflict needs to be avoided or just documented.
 - b. whether the conflict will impair the committee member's capacity to participate in discussions and/or decision-making
 - c. alternative options to avoid the conflict
 - d. potential impact on CLAN which may include reputation, outcomes, resources.
- x. CLAN may recruit a third party to assist where the effects of a conflict of interest could be or are more significant.

8. Compliance with this Policy

Where it appears that a Committee member has failed to comply with the policy, CLAN will investigate the circumstances. If evidence exists that the person has failed to disclose or has engaged in actions that constitute a conflict of interest, the Committee will analyse all facts and outcomes before making a decision. A decision may involve continuing membership with or without conditions, or termination of their relationship with CLAN.

9. Examples of Conflict of Interest

The following activities illustrate examples of potential or actual conflicts of interest that should be avoided, and if they exist, should be disclosed in accordance with this policy.

i. Self-benefit may occur when:

- a. a Committee member or his/her immediate family or business interests stands to gain financially from any business dealings, programs or services of the organisation.
- b. an Committee member stands to gain personally or professionally from any insider knowledge gained in his or her capacity as a member of the organisation, and that knowledge is used to personal advantage.
- c. use of CLAN property for personal advantage, such as equipment, personnel, supplies for private use.

ii. Conflicting relationships:

- a. When a Committee member, personally, offers the services of a relative to the organisation.
- b. Where an Committee member or the ex/officio member of the Committee has a role on the governing body of another organisation, where the activities of that other body may be in direct conflict or competition with the activities of CLAN.
- c. If multiple family members are involved in the governance and operations of CLAN, there must be a clear delineation of roles, responsibilities and decision-making procedures, including financial management decisions. The Committee is to approve any such arrangements.
- d. Where an Committee member has, or is involved in a service or is able to provide goods to meet an identified need, the Committee must take all possible steps to ensure that decisions related to the procurement of goods and/or services are fair, ethical, transparent and in the best interests of CLAN's mission. This may require the Committee to research and/or advertise for the required goods and/or services prior to making a decision.

iii. Gifts

When a Committee member receives or potentially receives a gift or favour from an interested party, which goes beyond an expression of goodwill and amity and is intended or designed to create indebtedness. When a Committee member personally accepts gifts or similar benefits from organisations or individuals that have partnerships with CLAN or have received grants or other benefits from CLAN.

iv. Other business relationships and dealings

When a Committee member may be in a position to approve grants, contracts with other organisations in which the Committee member has a financial or other interest or relationship

v. Intellectual Property

When a member may use CLAN materials inappropriately or without authorisation.

vi. False Information

When a Committee member may withhold, misrepresent, falsify information to external parties, or use internally to gain personal benefit.

9 Review

The Committee will review this Policy annually and when any conflict of interest occurs.

Attachments:

Conflict of Interest Guide

Register of Conflict of Interests

Conflict of Interest Disclosure Form

Associated Documents

Code of Ethics and Professional Conduct Policy

Financial Impropriety Risk Management Policy

Financial Management Policy

Grievance and Dispute Resolution Policy

Risk Management Policy

CLAN CONFLICT OF INTEREST GUIDE

First prepared in 2018; Updated March 2020

Purpose

CLAN employees, staff, volunteers, partners and any other relevant participants are obligated to avoid and to disclose any ethical, legal, financial or other conflicts of interest involving CLAN, and to remove themselves from a position of decision-making authority relevant to any conflict situation involving CLAN.

Register of Conflict of interests and the Conflict of Interest Disclosure Form

The Register of Conflict of interests and the Conflict of Interest Disclosure Forms are to be completed:

1. CLAN Association members
2. any employee, contractor, partner, volunteer or participant who has identified a conflict of interest
3. any employee or volunteer engaged in a consensual personal relationship
4. all employees, partners and volunteers involved in a CLAN project (e.g. procurement, tendering, supply of goods or items)

The Conflict of Interest Form must be completed:

1. at the time a conflict of interest is identified
2. when a member of CLAN's Association or a partner, a volunteer or a person associated with CLAN's activities has an actual, potential or perceived conflict of interest
3. by members at CLAN's Annual General Meeting
4. as determined by CLAN CEO and Chair, and/or by CLAN's Association members

Conflict of Interest Guide

A conflict of interest may be identified as:

- **a real conflict of interest:**
where a direct conflict exists between current official duties and existing private interests
- **an apparent conflict of interest:**
where it appears or could be perceived that private interests are improperly influencing the performance of official duties whether or not that is actually the case
- **a potential conflict of interest:**
where private interest are not, but could come into direct conflict with official duties
- **pecuniary interest**
where an actual or potential financial gain or loss or other material benefits or costs occur
- **non-pecuniary interest**
where there are private or personal interests that do not amount to a pecuniary interest which may arise out of family, or personal relationships, social or other cultural groups and associations and may include interest of a financial nature.

Examples of Conflict of Interest

Self-dealing, influence peddling, misuse of information or property, misuse of intellectual property, accepting undue benefits.

Management of a Conflict of Interest

For each conflict of interest reported or identified, a management plan will state conflict risks and determine actions to manage risk/s and resolve in favour of CLAN rather than that of the employee/CLAN volunteer or participant.

CLAN's President/Chair will review the plan and outcomes within a determined time or as required.

Attachment: Register of Conflict of Interests

Name of Committee member	Description of interest	Has the Committee been notified of the interest?	Date of disclosure	Steps taken by board for dealing with the conflict	Actions taken by the board member to address the conflict

CLAN: CONFLICT OF INTEREST DISCLOSURE FORM (Confidential)

Date:

Name:

Position/relationship with CLAN:

The conflict of interest has been identified as: *(Please select one or more of the following)*

1. A real conflict of interest
2. An apparent conflict of interest
3. A potential conflict of interest
4. Pecuniary interest
5. Non-pecuniary interest

OR

There is no conflict of interest

Declaration

I declare that to the best of my knowledge, the information in this form is true and correct and am aware of my responsibilities to take reasonable steps to avoid any real, potential or apparent conflict of interest in connection with CLAN and to advise CLAN of any relevant changes where a risk of conflict may or does occur. I undertake to adhere to any conflict of interest risk management plan to ensure that CLAN's reputation and the public interests are adequately protected.

Signature

Name: (please print) Date:

Management Plan *(if required, and to be discussed with the relevant person)*

Signature of President/Chair

Signature of CLAN employee/volunteer/partner/participant endorsement Date:

Date management plan actions reviewed:

Result: