



CONFLICT OF INTEREST POLICY *and* OPERATING PROCEDURES

This Guide is written to assist smaller charities to develop a Conflict of Interest Policy with accompanying sample policy and declaration form which the charity can amend to suit its organisational needs for transparency and accountability. It also proposes possible actions to be taken when such situations arise.

SAMPLE CONFLICT OF INTEREST POLICY AND OPERATING PROCEDURES

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(NAME OF CHARITY)

CONFLICT OF INTEREST POLICY

1. Purpose

- 1.1. As members of the Charity, we have an obligation to act in the best interest of the Charity. Hence, we need to avoid situations where there may be real, potential or perceived conflicts of interest, which may arise where a member's personal or family interest conflicts with those of the Charity.
- 1.2. Such conflicts may create problems that may result in the following:
 - a. Cause damage to the Charity's reputation which may lead to its inability to sustain operations;
 - b. Influence the members' judgment and compromise objectivity when conducting the Charity's affairs;
 - c. Restrict free discussion, thus resulting in decisions or actions that are not in the interests of the Charity; and
 - d. Risk the impression that the Charity has acted improperly.
- 1.3. This Policy aims to protect both the Charity and its members from any appearance of impropriety.

2. Definitions

- 2.1. "Charity" refers to the charity named as the issuer of this document.
- 2.2. "Member" refers to a board member or management member or staff member or volunteer member of the charity.
- 2.3. "Policy" refers to the Conflict of Interest Policy.
- 2.4. "Interest" means any commitment, investment, relationship, obligation, or involvement, financial or otherwise that may influence a person's judgement. This would include:
 - a. *Direct interest* – ownership in the name of the member/staff;
 - b. *Indirect interest* – ownership beneficially held through another investment, estate, trust or other intermediary;
 - c. *Vested interest* – personal stake or involvement, which may or may not include an expectation of financial gain; and
 - d. *Deemed interest* – a member/staff is deemed to have an interest which his/her spouse/domestic partner holds an interest

- 2.5. A *conflict of interest* arises when the personal interests of the member/staff may potentially interfere with the performance of his/her duties in the charity. When actual, potential or perceived conflict of interest arises, the integrity, fairness and accountability of the person may be affected, which could impede the best interest of the charity.

3. Declaration of Interests

- 3.1. Given the stated purpose of this Policy, we are asking:
- a. board and management members to declare their interests, and any gifts or hospitality received in connection with their role in the Charity; and
 - b. staff and volunteer members to declare when the transaction to be effected may result in a conflict of interest.
- 3.2. A declaration of interests form is provided for this purpose. The types of interest to be declared will include, but not limited to the following :
- a. Members who have friends or other personal or business relationships must carefully consider whether those relationships create conflicts of interest with their entrusted role in the Charity. Examples include:
 - i. hiring a relative or friend as an employee or vendor,
 - ii. buying or selling goods or services from / to a family business for which others might compete,
 - iii. having a personal relationship where there is an immediate reporting relationship,
 - iv. volunteering and/or having memberships in any other charities, or
 - v. receiving goods/services as beneficiaries.
 - b. Members must disclose any outside activities, financial interest or relationship that may pose a real, potential or perceived conflict of interest. Disclosures are to be made to the Board/senior management/supervisors and head of the Human Resources Department, with the required approval obtained before accepting any position as an officer or director of an outside business.
- 3.3. To be effective, the declaration of interests needs to be updated in written form at least annually and also when any changes occur.
- 3.4. In situations where members are not sure what to declare, or whether/when your declaration needs to be updated, they are strongly encouraged to err on the side of caution or seek advice from the Board/ senior management/supervisors.
- 3.5. All disclosure of interest made by members and decisions made by the Board/senior management of the charity on such matters must be recorded, updated and filed with the head of the Human Resources Department (or his designee).
- 3.6. A register of interests shall also be used to record all gifts of a value over S\$xx received by members *[optional]*.

4. Operating Procedures

- 4.1. If the Board needs to make a decision on an issue where the Board member(s) has/have an interest, it is the responsibility of the Board member(s) to:
 - a. Identify the potential conflict of interest;
 - b. Not participate in discussion of the program or motion being considered; and
 - c. Not vote on the issue.
- 4.2 If the Board needs to make a decision on an issue where the Board member(s) has/have an interest, it is the responsibility of the Board to ensure that:
 - a. All decisions are made by vote, with a two-thirds majority required based on the presence of a quorum; and
 - b. Interested board members must not vote on matters affecting their own interests.
- 4.3 It is the responsibility of the Board to:
 - a. Only decide to hire or contract with any vendor if they are the best qualified individuals available, and willing to provide the goods or services needed at the best price. The Board's decision shall not be influenced in any way by the fact that a Board member has an interest in the contract.
 - b. Record in the minutes of the Board Meeting the potential conflict of interest, and the use of the procedures and criteria of this policy.
- 4.4 It is the sole responsibility of any member of the Charity to report any possible real, potential or perceived conflict of interest. If it is an oversight of the Charity, the member shall promptly inform the Charity that he has been put in such a position of conflict of interest.
- 4.5 No member of the Charity shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation with the Charity. Each individual shall disclose to the Charity any personal interest which he or she may have in any matter pending before the organisation and shall refrain from participation in any decision on such matter.
- 4.6 Any member of the Charity or of a client organisation or vendor of the Charity shall identify his or her affiliation with such agency or agencies; further, he shall not participate in the decision affecting that agency.
- 4.7 Any member of the Charity or its Consultants / Business Partners shall refrain from obtaining any list of clients for personal or private solicitation purposes at any time during the term of their affiliation.
- 4.8 Any member who is also a user of the Charity's services, or the carer of someone who uses the charity's services shall not be involved in decisions that directly affect the service received by the person he / she cares for. He / She shall declare his / her interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if the conflict concerns any other reason(s).

- 4.9 A member of the Charity may, however, participate in discussions from which he / she may indirectly benefit, for example where the benefits are universal to all users.
- 4.10 The Board of the charity shall have the right to suspend any involvement of any member/staff when it has come to their attention that a potential actual or perceived conflict has arose, but has not been voluntarily disclosed by the relevant member.

5. Violations

- 5.1 Any violation will result in discipline, up to and including termination from employment or removal from the board, or expulsion from being a volunteer member of the charity.

Sample Conflict of Interest Disclosure Statement [Charity Name]

With regard to my service as [board/ management / staff / volunteer] member of [Name of charity], this is to declare that I, except as described below, am not now nor at any time during the past year have been:

1. A participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party doing business with the [Name of Charity] which has resulted, or could result in personal benefit to me.
2. A recipient, directly or indirectly, of any salary payments or loans or gifts of any kind or any free service or discounts or other fees from or on behalf of any person or organisation engaged in any transaction with the [Name of Charity].

Any exceptions to (1) or (2) are stated below with a full description of the transactions and of the interest, whether direct or indirect, which I have (or had during the past year) in the persons or organisations having transactions with the [Name of Charity]

I would like to report the following potential conflict of interest:

(Please elaborate on the potential conflict arising from the above situation with regard to the transaction concerned (e.g. nature of service/ transaction involving the affiliated person, the identity of the affiliated person and your relationship with that person).

Area of Conflict	Details
I am affiliated* to another charity	
I am affiliated* to any vendor, supplier, or any other party providing or bidding for providing services, having a direct or indirect interest in any business transaction(s), agreement, or investment.	
I am affiliated to someone who is a party to or has an interest in any pending legal proceedings involving <u>[Name of Charity]</u>	
I am interested in purchasing services from <u>[Name of Charity]</u> .	
I am affiliated to person(s) who is/are interested in purchasing services from <u>[Name of Charity]</u> .	
I have business dealings or transactions with a	

Area of Conflict	Details
vendor, supplier or any other party which could result in benefit me.	
I am affiliated to any staff involved in [<i>Name of Charity</i>].	
Others:	

*Affiliated refers to being connected to another party who could be one of the following: Spouse, domestic partner, child, mother, father, brother or sister or close associates; any corporation, business or non-profit organisation of which you serve as staff, officer, board member, partner, participate in management or are employed by; any trust or other estate in which you have a substantial interest or as to which you serve as a trustee or in a similar capacity.

- I hereby confirm that the disclosure made above are complete and correct to the best of my information and belief.
- I shall not participate in the discussion and decision-making of the matter in question.
- I will notify [the board chair or vice-chair] immediately if I come to know that this disclosure is inaccurate or that I have not complied with the conflict of interest policy.

Signature	Name and Designation	Date

Soft copy of the sample document can be downloaded from the Social Service Institute Communities of Practice microsite.
<http://www.socialserviceinstitute.sg/COP/main.html>

You can also scan the QR code below to download the document:



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