

## PEAS Conflict of Interest

### INTRODUCTION

All employees, volunteers, school staff, contractors, suppliers, and any other third parties associated with PEAS must strive to avoid conflicts of interest between the organization's interests and personal, professional, or business interests. This includes avoiding both actual conflicts and the perception of conflicts of interest.

The purpose of this policy is to protect the integrity of PEAS' decision-making process, ensure stakeholder confidence in the organization's integrity, and safeguard the reputation of all PEAS stakeholders. The policy aims to identify, limit, and manage conflict of interest situations effectively and resolve them fairly. It ensures that decisions prioritize PEAS' benefit and are not influenced by personal gain. Board members and employees must act in PEAS' best interest and avoid situations where personal interests conflict with those of the organization.

This policy applies to all individuals associated with PEAS, including employees, volunteers, school staff, contractors, suppliers, and any third parties acting on behalf of or in partnership with the organization.

### DEFINITIONS

- **Employee:** For the purpose of this policy, an employee is:
  - A member of staff appointed and paid for directly by PEAS.
  - A member of staff, who is not paid by PEAS directly but is contributing directly to the work, vision and mission of PEAS, such as a volunteer / intern.
- **Member:** an individual associated with PEAS, including an employee, volunteer, school staff, contractor, supplier, and any third party acting on behalf of or in partnership with the organization
- **Interest:** A commitment, goal, or value held by an individual or an institution.
- **Conflict of Interest:** Arises when a person's personal or organizational interests may influence or appear to influence the work they are doing, including financial or non-financial interests, or when there is a conflict between the personal interests of PEAS members and their official or professional responsibilities, potentially compromising their judgment, decisions, or actions at work.
- **Family or Family Member:** Any member of the person's family (spouse, parent, sibling, child, stepchild, grandparent, grandchild, great-grandchild, in-law, or domestic partner).
- **Personal interest:** Refers to an individual's interests i.e. family, friendships, business/financial, or social activities, including interest or participation in another company.
- **Objective exercise of duties:** Refers to an individual's ability to carry out her or his responsibilities in the best interest of PEAS.
- **PEAS Management** in this document refers to the senior management team.

## TYPES OF CONFLICTS

Our individual ability to make a decision is sometimes affected by other interests (personal or professional). Such conflict of interest situations are a regular part of organizational and personal life and cannot simply be eliminated. A Member may be in a conflict of interest situation that is:

- a) **Real/Actual Conflict of Interest:** A situation where a Member's official duties *are* or *will be* influenced by his/her private interests.
- b) **Potential Conflict of Interest:** A situation where a Member's official duties *may be* influenced in the future.
- c) **Perceived Conflict of Interest:** A situation where a Member's official duties *appear to be* influenced.

All of the above can constitute a conflict of interest – even if it is perceived as a conflict, but is not actually a conflict.

## MANAGING CONFLICTS OF INTEREST

Members of the PEAS management team are responsible for managing conflict of interest situations in order to ensure that workplace behavior and decision-making throughout PEAS are not influenced by conflicting interests. Whenever a conflict of interest—or even a possible conflict of interest—exists, it must be fully disclosed. When the conflict cannot be prevented, PEAS management will work with staff to manage the conflict. Here are the steps to be taken if a PEAS member has a conflict of interest, a potential conflict of interest, or a perceived conflict of interest:

1. **Declare it.** A PEAS member with a potential Conflict of Interest shall promptly and fully disclose the potential conflict to his or her supervisor who shall then disclose the matter to the PEAS Management Team.
2. **Discuss it.** The matter should be discussed with your supervisor and the PEAS Management Team.
3. **Deal with it.** Measures to deal with a conflict of interest will depend on what is appropriate to the severity of the situation. Options include:
  - ✓ **Restrict the involvement of the individual.** For example, if a family member applies for a job with PEAS, a PEAS member can withdraw themselves from deciding who to hire. This would not be appropriate if the conflict of interest arises frequently, or if the individual cannot be separated from parts of the activity.
  - ✓ **Ask a third party to assist.** For example, one could ask an objective party to help in hiring decisions where some candidates are family members or friends of current employees. There will be situations where no appropriate third party is available.
  - ✓ **Remove the individual from affected duties.** When restrict and recruit are not suitable options, the Member with the conflict may be removed from duties related to the conflict. The Member could transfer to other duties.
  - ✓ **Relinquish the private interest.** In cases of a conflict, the Member may choose to drop the private interest, such as membership or affiliation with another organization, which is causing the conflict.
  - ✓ **Resign from the official duties.** In cases where other solutions are not possible, the Member may have to resign from the position creating the conflict.

4. **Document what has been done.** Meeting minutes, correspondence to interested parties, or other documentation will provide a record of steps taken.

In the majority of cases, a disclosure will be sufficient but in some cases an interest may be too conflicting. For example, in the case of a conflict of interest arising from an individual/organisation because of a duty of loyalty owed to another organisation or person and the conflict is not authorised by virtue of any other provision in the memorandum or the articles. The PEAS Global Senior Management Team may authorise such a conflict of interests where the following conditions apply:

1. The Charity Commissions permission is sought before a benefit for a trustee may be authorised that isn't otherwise authorised in the Memorandum of Articles or already authorised in writing from the Commission.
2. The Individual or organisation who has declared the conflict of interest withdraws from the part of the meeting/decision making process at which there is discussion of any arrangement or transaction affecting that other organisation or person;
3. The individual/organisation in question does not vote on any such matter and is not to be counted when considering whether a quorum of decision-makers is present at the meeting.
4. The other decision-makers who have no conflict of interest in this matter consider it is in the interests of PEAS to authorise the conflict of interest in the circumstances applying.

## ACCOUNTABILITY

**PEAS Members** are responsible for his or her own conflict of interest situation: including declaring any conflicts and following up on actions determined by PEAS Management.

1. Be aware of the policy
2. Declare any conflicts, perceived conflicts, or potential conflicts to your supervisor
3. Respectfully identifying potential problems of other staff members
4. Undertaking follow-up action determined by PEAS Management
5. Making disclosures when circumstances change significantly.

**PEAS Senior Management** is responsible for the ongoing application of the policy and procedures to staff, including receiving and addressing complaints, providing advice, and reporting on conflict of interest cases to the Board. They will:

1. Receive complaints about possible breaches of the policy
2. Provide a point of contact for advice about conflict of interest matters
3. Determine the actions required to protect anyone who confidentially discloses a conflict of interest
4. Determine the actions required by breaches of the policy
5. Report on the overall situation of conflict of interest cases that significantly affect the financial standing, structure or reputation of the organisation to the Board.



**STATEMENT OF COMMITMENT**

I, \_\_\_\_\_ *[full name]*, have read and understood the standards and guidelines outlined in this Conflict of Interest Policy. I agree with the principles contained therein and accept the importance of implementing these policies and practice while working with or representing PEAS. I further attest that (please check one):

- I have no current conflicts of interest or potential conflicts of interest to disclose at this time.
- I have a conflict of interest or potential conflict of interest and have disclosed this conflict to the supervisor and management team using the Declaration form on Appendix C.

\_\_\_\_\_  
*(Job title)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

## Appendix A: Definitions and examples of conflicts of interest

### **Benefitting from personal or business relationships**

**Definition:** A person uses their position to influence or give special consideration regarding human resource decisions or outside contracts.

Examples:

- A member uses their position to prioritize a family member or friend during the hiring, transfer, or disciplinary process.
- A member convinces the team to fund or hire a contractor for a company that he/she is involved with.
- A member commissioning work from a contractor with whom they have prior relationships of a personal nature, including ties by blood or marriage or personal friendship;
- A member with decision making powers who is related (by blood or marriage) to a member of staff and there is decision to be taken on staff pay and/or conditions;
- A member who is also on the committee of another organisation that is competing for the same funding or contract;
- A member who has shares in a business that may be awarded a contract to do work or provide services for the organisation or is a director, partner or employee or related to someone who is.
- A member who has a personal or professional relationship with a contractor which involves the giving or receipt of gifts.

### **Inappropriate outside activity**

**Definition:** When a PEAS member's activity outside PEAS is in conflict with the interests of PEAS. During working hours, employees are expected to devote their full time and attention to their work at PEAS. Any business activity done outside of PEAS time is permitted if it does not negatively impact your work performance at PEAS.

Examples:

- A member is working for another organisation during the times allocated to work on PEAS responsibilities.
- A member is working many additional hours at a second job and is too tired or distracted to perform their PEAS effectively.
- A member is often taking phone calls or engaged in conversation about their secondary job or business during PEAS working hours.

### **Accepting undue benefits**

**Definition:** When PEAS members receive significant gifts or "kickbacks", which obligate PEAS to complete certain activities. PEAS members must never accept any kickbacks, loans, gifts, or personal payments of any kind from a person that competes with PEAS or purchases or sells goods or services to PEAS.

Examples:

- A member receives a kickback from a potential construction supplier, as payment for selecting their services.

- A member asks a potential candidate for money or goods in order to hire them.
- A member receives money or goods for building a school in a particular area or site.

*This list is not exhaustive.*

In particular, all members who procure goods and services for PEAS should deal with vendors without any appearance of favor or preference based on personal considerations.

## **Appendix B: Policy application**

This policy must be explained to all new and existing PEAS members. All such PEAS members must agree in writing, at the outset of taking a position with PEAS, and annually thereafter, that they will abide by this policy. PEAS members must disclose possible conflicts of interest to their supervisor or coordinator. Subsequent conflicts should be disclosed as they first emerge.

All of the following people are asked to declare their interests before working or undertaking a task or contract for PEAS:

- Members of PEAS staff at all levels
- Members of the PEAS Board of Trustees
- Volunteers and temporary hires
- School staff
- Consultants, contractors, and freelancers producing materials for PEAS.

PEAS Management will indicate to each Member whether any further action is necessary to manage the possible conflicts of interest disclosed. They will also deal with real conflicts of interest which are discovered “after the fact”. A variety of serious measures, such as canceling a contract or hiring decision, may have to be considered, case by case, in such situations.



**Appendix C: Conflict of Interest Disclosure/Declaration Form**

*Please complete this form if you believe that you may be involved in a conflict of interest situation or if you are unsure and seek to disclose a potential or perceived conflict of interest. Please read the PEAS Global Conflict of Interest Policy.*

<b>MEMBER DETAILS</b>	
NAME:	
JOB TITLE:	SITE/LOCATION:
PHONE NUMBER:	EMAIL ADDRESS:

<b>DISCLOSURE DETAILS</b>	
<b>The actual, potential or perceived conflict of interest relates to [Please appropriate box(es)]</b>	
<input type="checkbox"/> Relationship with family or friends	
<input type="checkbox"/> Relationship with a vendor or business	
<input type="checkbox"/> Outside work activities (paid/unpaid)	
<input type="checkbox"/> Financial interest	
<input type="checkbox"/> Gifts/benefits	
<input type="checkbox"/> Others (specify)	
<b>Please provide brief details of selected disclosure detail(s):</b>	
.....	
.....	
.....	
<b>The actual, potential or perceived conflict of interest is expected to last (tick appropriate box)</b>	
<input type="checkbox"/> 0–12 months	<input type="checkbox"/> >12 months or ongoing
<input type="checkbox"/> Still ongoing	<input type="checkbox"/> Has ended

To the best of my knowledge and belief, any actual/perceived/potential conflicts between my duties as an employee and my private and/or business interests have been fully disclosed in this form in accordance with the requirements of the PEAS Global Conflict of Interest Policy.

I acknowledge and agree to comply with the appropriate approaches that may be recommended in removing or managing the identified actual, perceived or potential conflict(s) of interest.

**SIGNATURE:** ..... **DATE:** .....