



# CONFLICT OF INTEREST POLICY



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(This policy will be reviewed as per the regulatory and legal requirements as and when required)

Prepared by:

Bangladesh Integrated Social Advancement Programme (BISAP)

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## **Purpose of Policy:**

Trustees have a legal obligation to act in the best interests of BISAP and, in accordance with BISAP's governing documents, avoid situations where there may be a potential conflict of interest.

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of BISAP. Such conflicts may create problems. They can:

- discourage free discussion
- result in decisions or actions that are not in the interests of BISAP; and
- risk the impression that BISAP has acted improperly

Complaints regarding conflicts of interest may lead to enquiries by the Charity Commissioner and can result in police involvement, damaging the reputation of BISAP and of any trustee involved. The aim of this policy is to protect both the organization and the individuals involved from impropriety (or appearance of).

## **The Declaration of Interests**

Trustees cannot receive any benefit directly or indirectly in return for their services or otherwise unless explicitly authorized. Accordingly, BISAP requires all trustees to declare their interests, and any gifts or hospitality received in connection with their role in BISAP. A Declaration of Interest form is provided for this purpose to be returned to the Head of Risk and Internal Audit (see appendix A).

It is strongly recommended that potential conflicts be declared via the Declaration of Interest form on the following occasions:

- a) pre-selection:** any prospective trustee should complete a Declaration of Interests form prior to confirmation of appointment so that any issues may be considered before confirming their appointment.
- b) On appointment:** new trustees should complete a Declaration of Interest form at the time of their appointment.
- c) Annually:** in line with the charity end of year financial year. If Trustees have nothing to declare, they are still required to make a nil declaration
- d) following any significant change:** such matters should not await the AGM.
- e) Verbally:** at any meeting where conflicts may arise.

The results of any declaration will be compiled into a Register of Interests, which will be available to trustees, officers and directors of BISAP and, where necessary and appropriate, to regulatory advisory bodies and our offices abroad. An abbreviated version of the Register of Interests will be published on BISAP's website.

Should a Trustee deliberately not declare a conflict of interest (for financial gain or other advantage) the Trustee may be committing an offence (i.e. fraud by failing to disclose information) and may be subject to disciplinary action under BISAP's Disciplinary Policy and

ay potentially be subject to criminal prosecution.

What types of information must trustees declare?

The Charity Commission stated that “A conflict of interest is any situation in which a trustee’s personal interests, or interests which they owe to another body, and those of the charity arise simultaneously or appear to clash.”

There are many circumstances in which a conflict of interest may arise. The following examples are types of interest which should be declared:

- Any personal/family relationships with paid staff and volunteers or possible recruitment of any personal or family member.
- Any gifts or hospitality received (see Gifts and Hospitality policy).
- You rent property or lend money to the charity.
- Any relationships with other groups that will affect your role as trustee – if you, or a close relative, are a member of another organisation this needs to be declared as there may be a conflict. Particularly if both organizations work in the same geographical area or have the same client / user groups.
- That you are a counselor, employee or board member of an organization that BISAP may approach for funding or who is currently providing funding for BISAP
- You learn of an opportunity at a board meeting which the charity may or may not wish to exploit but which you might wish to take advantage of for yourself or on behalf of another group.

It is not possible to list all the circumstances which may lead to a potential Conflict of Interest. It is therefore the responsibility of each trustee to declare any matters which they feel may present a conflict. In exercising their judgment about which matters to declare, trustees may seek the advice of the Chair. If in doubt about a matter, a declaration should be made.

## **Data Protection**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. What to do if you face a Conflict of Interest If there is a situation which will be a long term conflict this should be discussed with other trustees (in particular the Chair) at the earliest convenience and a decision made on how to proceed.

All declarations and actions should be recorded in the minutes of the meetings.

Where a matter of material financial interest arising from BISAP itself has been declared, authorization must be sought for this benefit to be provided by the charity. Such authorization may arise from guidance approved by the charity. It is also possible that explicit authorization by the Charity Commission may be required. Where such an interest is fundamental, the trustee should consider whether it is in best interests of BISAP that they continue in a trustee role. In the event of a declaration concerning non-financial benefits, or where a financial benefit has been authorised, a declaration must be made at the start of any trustees meeting at which relevant matters are on the agenda.

The relevant trustee should withdraw from any discussion concerning any matter in which a conflict of interest may arise. For instance, you are a user of BISAP services (or the career of someone who uses BISAP's services) - you should not be involved in decisions that directly affect the service that you, or the person you care for, receive. You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal.

Where a trustee considers that an actual or potential conflict situation which they have declared has not been addressed by the Chair they may seek guidance from the Charity Commission, usually after having notified the Chair beforehand. Disclosure in Accounts Any income or benefits a trustee receives from BISAP in the course of an accounting year must be disclosed. It is a legal requirement that BISAP's Annual report and Accounts includes disclosure of any properly authorised payments to trustees. Decisions taken where a Trustee has an Interest In the event of the board having to decide upon a question in which a trustee has an interest, all decisions will be made by vote, in line with BISAP's constitution. Recording Disclosure of Interest All decision, including the declared conflict and the outcome should be detailed and reported in the minutes of the board. Linked Policies

The following are related policies:

- Anti-bribery and corruption policy
- Anti-fraud policy
- Code of Conduct for Trustees
- Gifts and Hospitality Policy

## Appendix A

### BISAP Declaration of Interest Form

I {insert name of trustee}, have set out below my interests in accordance with the Trust's Conflict of Interest Policy.

To the best of my knowledge, the below information is complete and correct. I acknowledge it is an offence to knowingly provide false or misleading information. I give my consent for it to be used by BISAP for the purposes described in the conflicts of interest policy and for no other purpose.

Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Dated \_\_\_\_\_

Position in BISAP: \_\_\_\_\_

Category	Please give details of the interest and whether it applies to you or where appropriate a connected person (please give name and relationship).
No Conflict of Interest (Nil declaration)	
Current employment and any previous employment in which the Trustee continues to have a financial interest.	
All significant sources of income that could constitute a conflict.	
Appointments (voluntary or otherwise) e.g.: trusteeships, directorships, local authority, membership, tribunals etc.	
Membership of any professional bodies, special interest groups or mutual support organizations.	
Significant participation in any form of campaigning or political work.	
Investment in companies, partnerships and other forms of business major shareholdings, beneficial interest where these are felt to constitute a potential conflict of interests.	
Any contractual relationship with BISAP in the Branch offices.	
Ownership of any property that could create a conflict of interest.	
Gifts or hospitality offered by external bodies and whether this was declined or accepted in the last twelve months.	
Details of any relationship with any staff or potential staff members, suppliers, funders or other trustees in the BISAP Branch field offices.	
Any other conflicts that are not covered above where there could be perceived conflicts of interest.	
Any other people (i.e. familial), organizations, companies or institutions with whom you are connected whom you have not already referred to on this form, in the BISAP Branch offices	



**Mohammad Dostagir**  
Chairman



**S.M. Tareque Javed**  
Chief Executive-BISAP