Conflict Of Interest Policy

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Conflict of interest policy

1. About this policy

1.1 It is recognised that within any organisation there is always a potential for conflict of interest.

1.2 The purposes of this policy is to protect the integrity of the ERLF's decision-making process, to enable stakeholders to have confidence in the organisation's integrity, and to protect the integrity and reputation of volunteers, staff ("Officials") and Directors.

1.3 This policy is meant to supplement good judgment, and Officials and Directors should respect its spirit as well as its wording.

1.4 This policy is intended to supplement but not replace any applicable legislation governing conflict of interest applicable to non-profit organisations.

1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Definitions

2.1 An "Interested Person" is any Director, Official or member of a committee with governing board or competition delegated powers, who has a direct or indirect financial or national interest, as defined below.

2.2 A person has a "Financial Interest" if the person has, directly or indirectly, through business, investment of family:

(a) An ownership or investment interest in any entity with which the organisation has a transaction or arrangement;

(b) A compensation arrangement with the ERLF or with any entity or individual with which the ERLF has a:

(i) Transaction or arrangement, or

(ii) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the ERLF is negotiating a transaction or arrangement. Compensation includes direct and indirect renumeration as well as gifts or favours that are not insubstantial. An interest is not necessarily a conflict of interest. Under section 4 (iii), a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

3. Examples of conflicts of interest

3.1 Examples of conflicts of interest include but are not limited to:

(a) An interested person who is also a participant may be faced with a decision in a committee or Board meeting regarding whether fees for participants / Members should be increased.

(b) An interested person who is related** to a member of staff and there is decision to be taken on staff pay and/or conditions at a committee or Board meeting.

(c) An interested person who is also on the committee of another organisation that is competing for the same funding or other such contract.

(d) An interested person 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**.

(e) A voting member of the governing board or committee who receives compensation, directly or indirectly, from the ERLF for services.

(f) A person who is connected to the development, delivery or award of qualifications by the ERLF has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award of any qualifications

4. Duty and declaration of interest

4.1 All Officials and Directors of ERLF Limited will strive to avoid any conflict of interest, both individually and collectively, between the interests of the organisation on the one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.

4.2 Upon appointment each Official / Director will make a full, written disclosure of interests, such as relationships, and posts held, that could potentially result in a conflict of interest. This written disclosure, which shall include a declaration that the Official / Director has received, read, understands and will comply with this policy, will be kept on file and will be updated annually or as appropriate.

4.3 An up-to-date register of interests will be maintained by the ERLF

4.4 In the course of meetings or activities, Directors and Officials will disclose any interests in a transaction or decision where there may be a conflict between the ERLF best interests and the Director's / Official's best interests or a conflict between the best interests of two organisations that the Director / Official is involved with. If in doubt the potential conflict must be declared anyway, and clarification sought.

4.5 In the case of a conflict of interests arising for a Director / Official 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 constitution, the unconflicted directors may authorise such a conflict of interests where the following conditions apply:

(a) the Director / Official who has declared the conflict of interest withdraws from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person;

(b) the Director / Official who has the conflict of interest does not vote on any such matter and is not to be counted when considering whether a quorum of Directors is present at the meeting;

(c) the other Directors / Officials who have no conflict of interest in this matter consider it is in the interests of the ERLF to authorise the conflict of interest in the circumstances applying.

(d) any such disclosure and the subsequent actions taken will be noted in the minutes.

5. Procedures to manage

5.1 After disclosure of the potential interest (financial or otherwise) and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board or committee members shall decide if a conflict of interest exists.

5.2 An interested person is precluded from voting on matters pertaining to that matter.

5.3 The chairperson of the Board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

5.4 After exercising due diligence, the Board or committee shall determine whether the ERLF can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

5.5 For all other potential conflicts of interest, the advice of the International Rugby League will be sought and the advice recorded in the minutes. All steps taken to follow the advice will be recorded.

6. Violations

6.1 If the Board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

6.2 If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

** A relative may be a child, parent, grandchild, grandparent, brother, sister, spouse or civil partner of the Director or Official or any person living with the Director or Official as his or her partner’