



## YANK CONFLICT OF INTEREST POLICY

Approved by YANK Board Chair	Effective Date	Policy Document #

## Back ground

A conflict of interest may arise where a committee member/employee or close family member such as a spouse, child, parent or sibling has private interests that could improperly influence the performance of the Board members official duties and responsibilities. Conflict may also arise where a Committee member uses their office for personal gain.

Committee members/Employees are required to avoid conflict of interest and deal at arms-length in any matter that relates to the organization. However, a Committee member who identifies an area of conflict shall be required to disclose any actual or potential conflict of interest to the organization. In so reporting, the Committee member/employees is required to provide all relevant information, including information which relates to their immediate family members by blood or marriage which is related to the area of conflict. When declared, the Board member shall abstain from decisions where the conflict exists.

**Scope:** This policy shall cover all organization members, Executive Committee members, Staff/Employees, volunteers and stakeholders that have direct dealing with the organization.

## Conflict of Interest Categories

The following issues among others constitute conflict of interest.

Category	Types
Personal	Relationship, Friendship, Neighbors.
Procurement	Personal gain, business associate, personal business
Cooperate	Other organizations with similar or competing goals.

## Legal Framework for Conflict of Interest;

- i. Kenya Anti-Corruption Act
- ii. Money Laundering Prevention Act
- iii. Fraud and Serious Crimes Act
- iv. Public Procurement and Disposal Act
- v. Employment Act.

## Policy Guidelines on Conflict of Interest;

All employees and organization Members are required to act in good faith towards the organization.

Employees/ organization members need to be aware of the potential for a conflict of interest to arise, and should always act in the best interests of the organization.

As individuals, employees/board members may have private interests that from time to time conflict, or appear to conflict, with their employment with the organization.

Employees/Committee members should aim to avoid being put in a situation where there may be a conflict between the interests of the organization and their own personal or professional interests, or those of relatives or friends.

It is impossible to define all potential areas of conflict of interest. If an employee is in doubt as to whether a conflict exists, they should raise the matter with their manager.

### **Prevention of Conflict of Interest**

Committee members and employees maintain public confidence in the objectivity of their service by preventing and avoiding situations that could give the appearance of a conflict of interest or result in a potential or actual conflict of interest. In addition, Committee members and employees are required to observe any specific conduct requirements contained in the statutes governing ethical behaviour and their profession, where applicable.

It is not possible to foresee every situation that could give rise to real, apparent or potential conflict of interest, however, where conflict arises, the Committee member or employee should:

- (a) Excuse themselves, or anyone who works for them, from any decision-making that may create a conflict of interest with their private interests.
- (b) Disclose in writing, to the organization the facts and explain the circumstances that create or could create the conflict of interest and such disclosures be contained in a register.
- (c) Seek guidance from the immediate authority as defined in the organization constitution and the structure.
- (d) Conduct your relationship with contractors and suppliers in a professional, impartial and competitive manner.
- (e) Refrain from the direct or indirect use of, or allowing the direct or indirect use of organization property, for anything other than officially approved activities.
- (f) Maintain the impartiality of the organization
- (g) and not engage in any outside or political activities that impair or could be seen to impair their ability to perform their duties in an objective or impartial manner.
- (h) Be aware that the acceptance of any offer of future employment including consultancy or directorship with a contractor, supplier, customer or business partner constitutes a potential conflict of interest.
- (i) Ensure that concurrent outside appointments, such as to a Board of directors, are managed appropriately and that any resulting conflicts of duties are resolved in the organization interest and
- (j) Declare to the organization, a benefit or income received either directly or indirectly from a contract with external parties on contractual or other arrangements. The relevant

authority will determine whether the arrangement presents a real, apparent or potential conflict of interest, and may require that the contract be modified or terminated.

(k) Similarly, a Committee member or employee should not:

- o Get involved in the hire, supervision, management or career planning of any relative.*
- o Make improper use of one's position or of confidential information gained in that position to achieve personal interests or direct gain.*
- o Allow relationships with contractors and suppliers to influence business decisions made on behalf of the organization and*
- o Accept gifts or inducements, including hospitality that may place you under an obligation.*

#### **ACCEPTANCE**

I agree to the terms of the organization's Code of Conduct and Ethics, which forms part of my Committee election or contract of employment/Volunteer. I have read and understood the Code and agree to abide by its provisions.

I understand that any breach of its provisions will render me liable to appropriate disciplinary action.

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.....

Full Name of Committee Member/Employee

Signature

.....  
Position

Sample **Conflict of Interest Register**;

The Secretary should keep a record of conflicts of interest declared, for accountability purposes, and as a rule of good practice on appointment and on regular intervals or at any time when circumstances change, all members shall in good faith disclose to the Committee for recording, any other business or interest likely to create a potential conflict of interest.

<b>Class of conflict</b>	<b>Conflict Description</b>	<b>Date of Declaration</b>	<b>Name of Declaree</b>	<b>Minute no./Witness</b>	<b>Sign.</b>	<b>Name of Witness</b>