



CONFLICT OF INTEREST POLICY

Policy Number:		Version:	1
Drafted by:	Strategic Finance Executive	Board approval on:	November 2022
Responsible Person:	Strategic Finance Executive	Scheduled Review Date:	November 2023

INTRODUCTION

Big Yellow Umbrella is committed to high standards of ethical conduct and accordingly places great importance on making clear any existing or potential conflict of interest.

'Conflict of interest' is defined as applying in accordance with the statute, where a Board Member stands to gain financially from any business dealings, programs, or services of Big Yellow Umbrella, other than where:

- the Board Member falls into the class of people benefited by Big Yellow Umbrella and the financial gain is of a nature common to other beneficiaries.
- the person is staff or volunteer of Big Yellow Umbrella, and the financial gain is of a nature common to other staff, students or volunteers and Big Yellow Umbrella

'Conflict of interest' is defined where:

- the immediate family or business connections of a Board Member, or any person with whom the Board Member is in a close relationship, stands to gain financially from any business dealings, programs, or services of Big Yellow Umbrella
- the person is staff or volunteer of Big Yellow Umbrella
- a Board Member or the ex-officio member of the Board has a role on the governing body of another organisation, where the activities of that other body may be in direct conflict or competition with the activities of Big Yellow Umbrella
- 'Close relationship' is defined as any relationship that might reasonably give rise to an apprehension that the Board Member, staff or volunteer might place the interests of the other party above the interests of Big Yellow Umbrella

PURPOSE

This Policies and Procedures has been developed to provide a framework for:

- all Board Members, staff, and volunteers in declaring conflicts of interest.
- the Board and management when determining how to deal with situations of conflict of interest.

POLICIES

These Policies and Procedures commence at the time of approval.

A conflict of interest may occur if a financial interest or a relationship influences or appears to influence the ability of a Board Member, staff, students, or volunteer to exercise objectivity.

Big Yellow Umbrella places great importance on making clear any existing or potential conflicts of interest and accordingly the following policies will apply:

- all conflicts of interest shall be declared by the Board Member, staff or volunteer concerned.

- all financial conflicts of interest, as defined by statute, shall be documented in the Board's Conflicts of Interest Register (Appendix A)
- where a Board Member has an actual or perceived financial conflict of interest, as defined by statute, that Board Member shall not initiate or take part in any Board discussion on that topic (either in the meeting or with other Board Members before or after the Board meetings), unless expressly invited to do so by unanimous agreement by all other members' present.
- Where a Board Member has an actual or perceived financial conflict of interest, as defined by statute, that Board member shall not vote on that matter.
- where a Board Member has an actual or perceived conflict of interest related to their relationship with an employee or volunteer of Big Yellow Umbrella, or any other person having dealings with Big Yellow Umbrella, that Board Member shall not initiate or take part in any Board discussion on that topic (either in the meeting or with other Board Members before or after the Board meetings), unless expressly authorised to do so by the Board.
- the Board may further supplement the definition of conflict of interest from time to time if it so wishes and may specify the procedures to apply in such cases.
- Board Members are not barred from engaging in business dealings with Big Yellow Umbrella, if these are negotiated at arm's length without the participation of the Board Member concerned.
- a Board Member who believes another Board Member has an undeclared conflict of interest should specify in writing to the Secretary the basis of this potential conflict.
- staff, students, or volunteers who have an actual or perceived conflict of interest related to any other person or organisation having dealings with Big Yellow Umbrella must not initiate or take part in any decisions related to that person or organization.
- staff, students, or volunteers are not barred from engaging in business dealings with Big Yellow Umbrella, provided that these are negotiated at arm's length without their participation in any decisions and are subject to approval by the Chief Operations Manager

RESPONSIBILITIES

The Board, Chief Operations Manager and the Strategic Finance Executive are responsible for the implementation and monitoring of all aspects of this Policy and Procedures.

All staff, students and volunteers are responsible for ensuring they fully comply with this Policies and Procedures.

The Chairperson is responsible for bringing this policy to the attention of prospective Board Members.

All Board Members are responsible for respecting this policy and signing a declaration.

The Board is responsible for determining any decisions in relation to perceived or actual conflicts of interest by a Board Member.

The Chief Operations Manager and the Strategic Finance Executive is responsible for determining any decisions in relation to perceived or actual conflicts of interest by staff, students, or volunteers.

PROCEDURES

The following procedures apply:

- before a Board Member begins his or her service with Big Yellow Umbrella, they shall file with the Secretary a list of their principal business activities, as well as involvement with other charitable and business organisations, vendors, or business interests, or with any other associations that might produce a conflict of interest and this information should be documented in the [Conflict-of-Interest Declaration \(Appendix B\)](#)

- Board Members shall also file with the Secretary notification of any relationships between themselves and any Board member, employee, student or volunteer of the Big Yellow Umbrella, or any other person having dealings with Big Yellow Umbrella that might reasonably give rise to the perception of a conflict of interest.
- Board Members shall declare any conflicts of interest of which they become aware either at the start of the Board meeting concerned or when a relevant issue arises.
- the nature of any conflict of interest should be entered in the meeting minutes.
- the nature of the conflict of interest should also be documented in [the Conflict-of-Interest Checklist \(Appendix A\)](#)
- Before staff, students or volunteers begin work with Big Yellow Umbrella they are required to complete a [Conflict-of-Interest Declaration](#) that highlights any business activities, involvement in charitable and business organisations, vendors, or business interest, or with any other associations that might cause a conflict of interest.
- If conflict of interest is identified by staff, students or volunteer, this conflict of interest should be diarised in that person's personnel file by the Chief Operations Manager or the Strategic Finance Executive. The person must not initiate or take part in any decision related to this conflict of interest.
- where a conflict of interest or potential conflict of interest, as defined above, is identified and/or registered, the Board Member concerned shall leave the room as soon as that item comes up for discussion and the concerned Board Member shall not vote on that issue, nor initiate or take part in any Board discussion on that topic (either in the meeting or with other Board members before or after the Board meetings), unless expressly invited to do so by unanimous agreement by all other members present
- any Board Members abstinence should be recorded in the meeting minutes.
- If a Board Member, staff, student, or volunteer declares themselves to have an existing or potential conflict of interest, confidentiality will be respected.
- if a Board Member, staff, student, or volunteer alleges that another person has a conflict of interest, whether existing or potential, and that person does not agree, then the decision is to be made by the Board or Chief Operations Manager / Strategic Finance Executive (in the case of staff, student, and volunteers) and that decision shall be final.

RELATED DOCUMENTS
Access & Equity Policy
Anti-discrimination Policy
Code of Conduct Policy
Code of Ethics
Complaints Management Policy
Confidentiality and Declaration Policy
Disclosure of Information Policy
Finance Management Policy
Fraud Management Policy
Fundraising & Competitions Policy
Gifts & Benefits Policy
Governance Policy
Performance Management Policy
Privacy Policy

Recruitment Policy
Risk Management Policy
Staff Induction Policy
Volunteer Management Policy
WHS Policy

AUTHORISATION

The Board of Big Yellow Umbrella has reviewed and approved this policy.

Signature of Board Secretary: _____

Date of approval by the Board: _____

On behalf of the Big Yellow Umbrella