**Sample**

**Conflicts of Interest**

**Policy**

*This sample policy is based on the Sample Conflicts of Interest Policy provided by the Charity Regulator and should be adapted for your board of management by customising as relevant. This sample policy may need to be adapted to align with your board’s other policies and procedures. Likewise other policies and procedures may need to be aligned as appropriate with this sample policy.*

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| --- |
| **[SCHOOL NAME]**  **Conflicts of Interest Policy** |

Approved by Board of Management: [Date Approved]

Next policy review date: [+12 Months]

1. **Introduction**

The purpose of this policy is to assist board of management members of [[insert School name]to effectively identify, record and manage any conflicts of interest in order to protect the integrity of [insert School name]and to ensure that the board of management act in the best interests of the school.

The board of management aims to ensure that board members and all staff with responsibility for purchasing/procurement are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of [insert School name].

This policy applies to the board of management of [insert School name].

1. **Definition of conflicts of interests**

A conflict of interest is any situation in which a board/staff members personal interests or loyalties could, or could be seen to, prevent the board/staff member from deciding in the best interests of the school. This personal interest may be direct or indirect and can include interests of a person connected to the board/staff member.

These situations present the risk that a person will decide based on, or affected by, these influences, rather than in the best interests of the school and therefore must be managed accordingly.

1. **Policy**

This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to the board if they are openly and effectively managed. It is the policy of the board that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with their obligations to [insert School name].

Conflicts of interest will be managed as followed:

* avoid conflicts of interest where possible
* identify and record any conflicts of interest
* carefully manage any conflicts of interest and
* follow this policy and respond to any breaches.

**3.1 Responsibility of the board of management**

The board is responsible for:

* establishing a system for identifying, disclosing and managing conflicts of interest across the school.
* monitoring compliance with this policy; and
* reviewing this policy on an annual basis to ensure that the policy is operating effectively.

The board should ensure they are aware of their legal obligations in the management and control of the school and should refer to the Charities Regulator’s ‘Guidance for Charity Trustees’. For further information on this see the [Charities Regulator website](https://www.charitiesregulator.ie/).

**3.2 Identification and disclosure of conflicts of interest**

Conflicts of interest are always included in the agenda for board meetings. Once an actual, potential or perceived conflict of interest is identified, it must be entered into [insert School name] register of interests, as well as being raised with the board of management. The register of interests must be maintained by the secretary to the board, and record all information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

**Confidentiality of disclosures**

In order to support board and staff members to disclose their conflicts of interest, the level of confidentiality associated with any disclosure should be set out.

[Include details of who will have access to the information disclosed, such as restricting this to the board of management and the secretary to the board. It may also be necessary to provide for an alternative disclosure mechanism if additional restrictions on disclosure are required.]

A sample of Register of Interests template is available in Appendix 1.

1. **Action required for management of conflicts of interest**

Once the conflict of interest has been appropriately disclosed by a board or staff member that members shall not participate in discussions or vote on any matters in which they, or any company or partnership or firm of which the member is a director or partner, may have a personal / financial interest, and to that intent shall on request from the Chairperson retire from that part of a meeting at which such discussion and/or decision shall take place.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a board member from regularly participating in discussions, it may be worth the board considering whether it is appropriate for the person with the relevant conflict to resign from the board.

1. **Compliance with this policy**

If the board has a reason to believe that a person subject to this policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interest, the board may take action against the person. This may include seeking the person’s resignation.

[Insert any other relevant sanctions that are proportionate to the seriousness of a breach]

If a person suspects that a board/staff member has failed to disclose a conflict of interest, they must [insert relevant action, such as: discuss with the person in question, notify the board of, or the person responsible for maintaining the register of interests].

1. **Contacts**

For questions about this policy, contact the board of management or [insert person/role] by [insert contact details].

1. **Policy Review:**

This policy will be reviewed annually and updated where necessary.

Adopted by board of management on [date]

Signed by the Chair on behalf of the board of Management

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**Appendix 1:**

Sample Template of Register of Interests

Insert School Name:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name of board/staff member** | **Date of appointment** | **Description of interest** | **Has the board been notified of the interest?** | **Date of disclosure** |
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**Note:**

This document is issued by the FSSU, based on guidance from the Charities Regulator to encourage and facilitate the better administration and management of charitable organisations. That guidance was published as part of a suite of guidance, intended to provide support to boards of management, by putting in place systems, processes and policies which ensure schools are managed in an effective, efficient, accountable and transparent way.

This document is not, nor is it intended to be, a definitive statement of the law and it does not constitute legal advice. This document is not a substitute for professional advice from an appropriately qualified source. The FSSU recommends that board of management consult their governing document or obtain their own independent legal advice where necessary. The FSSU accepts no responsibility or liability for any errors, inaccuracies or omissions in this document.