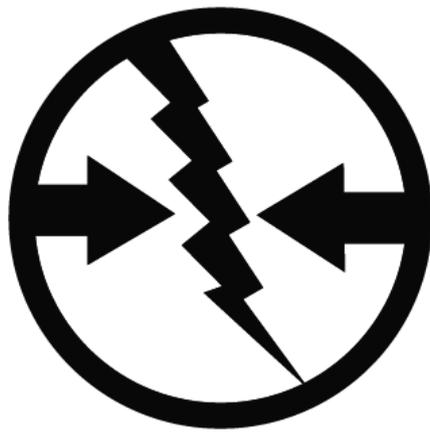


IMPACT Shaping practices
Influencing policies
Impacting lives



CONFLICT
OF INTEREST
PREVENTION
POLICY

Version 1 | 2018

CONTENT

CONTENT 2

I. INTRODUCTION 3

 Policy Statement 3

II. INTERPRETATION AND SCOPE 4

 Article 1 – Scope of application 4

 Article 2 – Definitions 4

 Article 3 – Information and adherence to the policy 4

 Article 4 – Purpose of the Policy 5

III. GENERAL PRINCIPLES 5

 Article 5 – Neutrality 5

 Article 6 – Impartiality 5

 Article 7 – Confidence of stakeholders 5

 Article 8 – Hierarchical responsibility 6

 Article 9 – Confidentiality 6

 Article 10 – Political or public activity 6

 Article 11 – Protection of privacy 6

 Article 12 – Information held 6

 Article 13 – Professional resources 6

 Article 14 – Responsibility of line managers 7

 Article 15 – Termination of professional duties 7

 Article 16 – Relations with former IMPACT staff 7

IV. MECHANISMS TO FIGHT CONFLICTS OF INTEREST 8

 Article 17 – Prevention of conflicts of interest 8

 Article 18 – Reporting 8

 Article 19 – Action to be taken in the event of a conflict of interest 8

 Article 20 – Declaration of interests 9

 Article 21 – Incompatible external interests 9

 Article 22 – Gifts 9

 Article 23 – Reaction to offers of unfair advantages 9

 Article 24 – Vulnerability to the influence of third parties 10

 Article 25 – Abuse of professional position 10

V. IMPLEMENTATION OF THE POLICY 10

 Article 26 – Implementation date of the policy 10

 Article 27 – Adherence to the policy 10



I. INTRODUCTION

IMPACT Initiatives (hereafter referred to as ‘IMPACT’) is a Swiss based Association and a sister organisation of ACTED. Independent, private and non-profit, IMPACT respects a strict political and religious impartiality, and operates following principles of neutrality, non-discrimination, transparency, according to its core values: responsibility, impact, enterprising-spirit and inspiration.

IMPACT is committed to shape practices and influence policies in humanitarian and development settings in order to positively impact lives of people and their communities. IMPACT aims to enable better and more effective decision making by generating and promoting knowledge, tools and practices for humanitarian and development stakeholders.

The commitment of IMPACT is guided by the following four core values:

- **Responsibility:** we contribute to the efficient and responsible delivery of aid with the means and the resources that have been entrusted to us.
- **Impact:** we are committed to promoting better aid practices and policies to support the communities and the people with whom we engage.
- **Enterprising-spirit:** we are enterprising and engage in our work with a spirit that creates value and overcomes challenges.
- **Inspiration:** we strive to inspire all those around us through our vision, values, approaches, choices, practice, actions and advocacy.

Policy Statement

IMPACT is committed to respecting the highest standards in terms of efficiency, responsibility and transparency in its activities. To this end, IMPACT’s Conflict of Interest Prevention Policy:

- Encourages prevention;
- Promotes detection;
- Sets out a clear investigation procedure;
- Sets out a mechanism of sanctions.

The purpose of this policy is aimed at guiding IMPACT staff and partners, and must be considered together with:

- IMPACT’s Code of Conduct;
- IMPACT’s Child Protection Policy;
- IMPACT’s Data Protection;
- IMPACT’s Anti-Fraud, Bribery & Corruption Policy;
- IMPACT’s Grievance Policy;
- IMPACT’s Policy Against Sexual Exploitation and Abuse;
- IMPACT’s Anti-Terrorism Policy;
- IMPACT’s procedures, manuals and handbooks e.g. Finance, Logistics, Human Resources, Grants Management;
- IMPACT’s Security and Safety Guidelines

The original Conflict of Interest Prevention Policy is in French. Any other versions are available for translation purposes only. In case of discrepancy between the French and any other version of the policy, the French version prevails.



II. INTERPRETATION AND SCOPE

Article 1 – Scope of application

1. This policy applies to all IMPACT staff and governance members.
2. The provisions of this policy may also be applied to any person employed by an entity that carries out missions for IMPACT.
3. In particular, this policy applies to consultants, suppliers, sub-grantees and implementing partners depending on specific clauses and conditions of the grant agreement.

Article 2 – Definitions

Conflict of interest:

- A “conflict of interest” stems from a situation in which a staff of IMPACT and/or the other entities referred to in Article 1 of this policy has a personal interest likely to influence or appear to influence the impartial and objective exercise of their professional role.
- The personal interest of staff of IMPACT and the other entities referred to in Article 1 of this policy covers any benefit for themselves or for their relatives or organisations with which they have or have had business or political relations. It also includes any financial or civil obligation to which the staff of IMPACT and the other entities referred to in Article 1 of this policy are subject.

Consultant: Under the term of this policy, a “consultant” is a third party, individual or group, with or without legal personality, who directly or indirectly provides any type of consulting services to IMPACT, whether for a fee or not.

Supplier: Under the term of this policy, a “supplier” is a third party, individual or group, with or without legal personality, who directly or indirectly provides any type of goods and/or services to IMPACT, whether for a fee or not.

Governance: Under the terms of this policy, the term “governance” refers to any person elected by decision-making bodies to participate in the managerial and administrative bodies of IMPACT.

Implementing partner: Under the terms of this policy, an “implementing partner” is a partner to whom the implementation of one or more projects or activities has been delegated, and to whom a budget has been allocated for this purpose. In particular, this refers to international NGOs and/or national NGOs and/or public institutions.

Stakeholders: Under the terms of this policy, “stakeholders” are individuals or groups, with or without a legal personality, who directly or indirectly, voluntarily or involuntarily, contribute to, participate in or benefit from, in any way, the actions, programmes and activities of IMPACT.

IMPACT staff: Under the terms of this policy, the term “IMPACT staff” refers to any person employed by IMPACT. The interns and volunteers of IMPACT are considered to fall within this category, for the purposes of this policy.

Sub-grantee: Under the terms of this policy, a “sub-grantee” is an individual or group, with or without a legal personality, who receives a budget to carry out a project or activity.

Article 3 – Information and adherence to the policy



1. This policy is published under the authority of IMPACT. IMPACT staff, as well as the other entities referred to in Article 1 of this policy, are required to conduct themselves in accordance with this policy and must therefore be aware of and have understood its provisions and any changes. When they are unsure of how to proceed, they should seek the advice of a competent person, notably their line manager.
2. IMPACT staff, as well as the other entities referred to in Article 1 of this policy, who are responsible to negotiate the terms and conditions of employment of any IMPACT staff, must ensure that staff is aware of and commits to the full respect of this policy.
3. It is the responsibility of IMPACT staff with managerial responsibilities, as well as the other entities referred to in Article 1 of this policy, to ensure that staff under their supervision comply with this policy; and to take or propose appropriate disciplinary measures as sanction against any violations of its provisions.
4. This policy shall form part of the working conditions of IMPACT staff and the conditions for the performance of the missions of the other entities referred to in Article 1 of this policy from the moment they certify that they have read it.
5. IMPACT will review the provisions of this policy at regular intervals.

Article 4 – Purpose of the Policy

The purpose of this policy is to:

1. Implement mechanisms to prevent and fight conflicts of interest applicable to IMPACT staff and the other entities referred to in Article 1 of this policy.
2. Specify the rules on integrity and conduct relating to the fight against conflicts of interest that IMPACT staff and the other entities referred to in Article 1 of this policy must observe.
3. Inform third parties of the conduct that they are entitled to expect from IMPACT staff and the other entities referred to in Article 1 of this policy.

III. GENERAL PRINCIPLES

Article 5 – Neutrality

IMPACT staff, as well as the other entities referred to in Article 1 of this policy, must fulfil their duties in a neutral and apolitical manner, in accordance with the law, legitimate instructions and ethical rules relating to their roles.

Article 6 – Impartiality

In the context of their professional roles and/or their missions, IMPACT staff, as well as the other entities referred to in Article 1 of this policy, must act in accordance with the law and exercise their discretionary power in an impartial manner, taking into consideration only relevant circumstances.

Article 7 – Confidence of stakeholders



IMPACT staff, as well as the other entities referred to in Article 1 of this policy, have a duty to conduct themselves at all times in a way that reflects and upholds IMPACT's values of integrity, impartiality and efficiency and contribute to strengthen the confidence of all stakeholders.

Article 8 – Hierarchical responsibility

IMPACT staff report to their immediate line manager and/or the head of their functional department, unless otherwise provided for by law.

Article 9 – Confidentiality

Duly considering the stakeholders' potential right to access information, IMPACT staff, as well as the other entities referred to in Article 1 of this policy, must process all the information and all the documents acquired during or as part of the exercise of their duties with the necessary confidentiality.

Article 10 – Political or public activity

1. Subject to respect of fundamental and constitutional rights, IMPACT staff must ensure that their personal participation in political activities or their involvement in public or political debates does not alter the confidence of stakeholders, international, national or local authorities, or IMPACT, with regard to their ability to complete the mission fairly and impartially.
2. In the performance of their duties, IMPACT staff must not use the resources for partisan purposes.

Article 11 – Protection of privacy

All the necessary measures must be taken to ensure that the privacy of IMPACT staff and of the other entities referred to in Article 1 of this policy, is appropriately respected; as a result, the declarations provided for this policy must remain confidential, unless otherwise provided for by law.

Article 12 – Information held

1. Considering the general framework of international law regarding access to information held by private individuals, IMPACT staff and the other entities referred to in Article 1 of this policy should disclose information only in respect to the rules and requirements applicable to IMPACT.
2. IMPACT staff and the other entities referred to in Article 1 of this policy must take appropriate measures to guarantee the security and confidentiality of the information for which they are responsible or of which they are aware.
3. IMPACT staff and the other entities referred to in Article 1 of this policy must not seek access to information which would be inappropriate for them to have. IMPACT staff, as well as the other entities referred to in Article 1 of this policy, must not make inappropriate use of the information they may obtain in or as part of the exercise of their duties.
4. In the same way, IMPACT staff and the other entities referred to in Article 1 of this policy must not retain professional information that may or should be legitimately circulated, or circulate information they know, or have reasonable grounds to believe, is inaccurate or misleading.

Article 13 – Professional resources



In the exercise of their discretionary power, IMPACT staff and the other entities referred to in Article 1 of this policy must ensure that the staff and the property, facilities, services and financial resources entrusted to them are managed and used in a useful, effective and economic manner. They must not be used for private purposes, unless this is authorised in writing by the Executive Director or his/her delegate.

Article 14 – Responsibility of line managers

1. IMPACT staff in charge of managing or supervising other IMPACT staff must do so in accordance with the policies and objectives of IMPACT. They must respond to the acts and omissions of their staff which violate these policies and objectives, if they have not taken the due diligence measures expected from a person in their position to prevent such acts or omissions.
2. IMPACT staff tasked with managing or supervising other IMPACT staff must take the measures necessary to prevent their staff from engaging in acts related to conflict of interest in relation to their work. These measures may be: to draw attention to and implement the laws and regulations; to ensure adequate training against conflict of interest their staff may face; and to set an example of integrity through their personal conduct.

Article 15 – Termination of professional duties

1. IMPACT staff must not take undue advantage of their role within IMPACT to obtain an employment opportunity outside of IMPACT.
2. IMPACT staff must not allow the prospect of another job to create an actual or potential conflict of interest, or a situation likely to appear as such. They must also inform their supervisor of their acceptance of any job offer.
3. IMPACT staff must not use or disclose confidential information obtained by them in their capacity as an IMPACT staff, unless they have been authorized to do so by IMPACT in writing, and in accordance with the law.

Article 16 – Relations with former IMPACT staff

IMPACT staff should not give former IMPACT staff preferential treatment or privileged access to IMPACT.



IV. MECHANISMS TO FIGHT CONFLICTS OF INTEREST

Article 17 – Prevention of conflicts of interest

1. IMPACT staff and the other entities referred to in Article 1 of this policy must prevent their private interests from conflicting with their duties. It is their responsibility to avoid such conflict, regardless of whether this conflict is actual, potential, or likely to appear as such.
2. Under no circumstances may IMPACT staff and the other entities referred to in Article 1 of this policy take unfair advantage of their professional position for their personal interest.

Article 18 – Reporting

1. IMPACT staff and the other entities referred to in Article 1 of this policy, which believe that they are required to act unlawfully, improperly or unethically, which may be in violation of this policy or otherwise inconsistent with this policy, should report it to their line manager and/or the IMPACT Country Focal Point.
2. IMPACT staff and the other entities referred to in Article 1 of this policy who have reported an aforementioned case of misconduct in accordance with this policy, and who believe that the response provided is not satisfactory, may report this in writing to transparency.geneva@impact-initiatives.org¹ or grievance.geneva@impact-initiatives.org².
3. IMPACT staff and the other entities referred to in Article 1 of this policy must report to their line manager and/or IMPACT Country Focal Point and/or through grievance.geneva@impact-initiatives.org and/or through transparency.geneva@impact-initiatives.org of any evidence, allegation or suspicion of illegal or criminal activity concerning IMPACT of which they are aware in or as part of the exercise of their duties. The investigation of the reported facts is the responsibility of IMPACT.
4. IMPACT must ensure that IMPACT staff and the other entities referred to in Article 1 of this policy who report a case as described above on the basis of reasonable suspicions and in good faith does not suffer from any harm as a result.
5. Cases of misuse of complaint mechanisms may be subject to sanctions.

Article 19 – Action to be taken in the event of a conflict of interest

1. Since IMPACT staff and the other entities referred to in Article 1 of this policy are generally the only ones who know if they are in position of possible or actual conflict of interest, they are personally required to:
 - be attentive to any actual or potential conflict of interest;
 - take measures to avoid such a conflict of interest;
 - inform their line manager of any conflict of interest as soon as they are aware of this, in accordance with Articles 8 or 18 of this policy;

¹ Transparency: Any element relating to fraud.

² Grievance: Any element relating to human resources dissatisfaction or complaint that was not resolved locally.



- comply with any final decision that requires them to resolve the situation, in particular by removing themselves from the situation, or renouncing the benefit from which the conflict stems.
2. When requested, IMPACT staff and the other entities referred to in Article 1 of this policy must declare whether or not they have a conflict of interest.

Article 20 – Declaration of interests

In accordance with this policy, IMPACT staff and the other entities referred to in Article 1 of this policy who occupy a position and/or exercise a mission in which their personal or private interests are likely to be affected by their professional functions and/or mission must declare the nature and extent of their interests whenever they assume a position or at the time of each mission, and then at regular intervals and at the time of any change of situation.

Article 21 – Incompatible external interests

1. IMPACT staff and governance members must not engage in any activity or transaction, or occupy any paid or unpaid position or role, that is incompatible with the correct exercise of their professional functions, or that harms this. If it is unclear whether an activity is compatible, staff must request the opinion of their line manager.
2. Subject to the applicable legislation, IMPACT staff and governance members are required to inform and obtain the approval of IMPACT before performing certain paid or unpaid activities, or accepting any positions or roles, outside of their work for IMPACT.
3. IMPACT staff and governance members must declare their affiliation with or membership of organisations likely to harm their role or the correct performance of their duties at IMPACT.

Article 22 – Gifts

1. IMPACT staff and the other entities referred to in Article 1 of this policy must not solicit or accept gifts, favours, invitations or any other benefit intended for them or their family, parents, close friends or persons or organisations with which IMPACT staff and the other entities referred to in Article 1 of this policy have or have had business or political relations, which may influence or appear to influence the impartiality with which they perform their duties and/or their mission or which may constitute or appear to constitute a reward for their duties or their mission. In accordance with the IMPACT's Code of Conduct, this does not include conventional hospitality or small gifts, which must be reported to the line manager.
2. If IMPACT staff are unsure whether or not they may accept a gift or hospitality, they must request the opinion of their line manager.

Article 23 – Reaction to offers of unfair advantages

1. If IMPACT staff and the other entities referred to in Article 1 of this policy are offered an unfair advantage, they must take the following measures to protect themselves:
 - refuse the unfair advantage. It is not necessary to accept it with a view to using it as proof;
 - try to identify the person who made the offer;
 - avoid prolonged contact, although knowledge of the reason for the offer may be useful in a statement;



- in the event that the gift cannot be refused or returned to the sender, it must be kept, and handled as little as possible;
 - if possible, try to have witnesses, for example colleagues working nearby;
 - draft a written report on this attempt and send it to the line manager and/or the IMPACT Country Focal Point and/or transparency.geneva@impact-initiatives.org, and/or grievance.geneva@impact-initiatives.org in a timely manner;
 - report the attempt to their line manager and/or their functional management in a timely manner;
 - continue to work normally, particular on the contract in relation to which the unfair advantage was offered.
2. Any significant gift which could not be refused must be handed over to IMPACT with an explanatory note.

Article 24 – Vulnerability to the influence of third parties

IMPACT staff and the other entities referred to in Article 1 of this policy must not place themselves or allow themselves to be placed in a situation that requires them to grant a favour to any person or entity in return. In the same way, their public and private conduct must not leave them vulnerable to the undue influence of third parties.

Article 25 – Abuse of professional position

1. IMPACT staff and the other entities referred to in Article 1 of this policy must not offer advantages linked to their professional situation and/or their mission in any way, unless this has been duly authorised in writing.
2. IMPACT staff and the other entities referred to in Article 1 of this policy must not attempt to influence any person or entity (including other IMPACT staff and the other entities referred to in Article 1 of this policy) for any private purpose, by abusing their professional position or by offering personal benefits.

V. IMPLEMENTATION OF THE POLICY

Article 26 – Implementation date of the policy

This Conflict of Interest Prevention Policy comes into effect after approval by the Committee of IMPACT on 15th October 2018.

Article 27 – Adherence to the policy

IMPACT staff and the other entities referred to in Article 1 of this policy certify that they adhere to these principles by signing the IMPACT Policy Acceptance Form and/or by signing their employment contract.





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