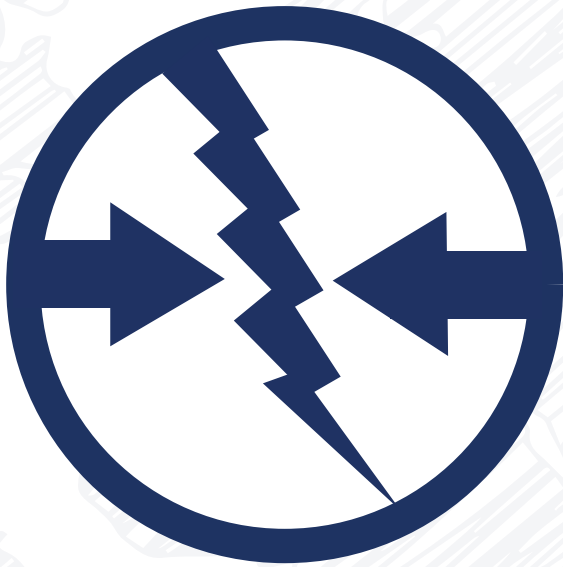




ACTED



**CONFLICT
OF INTEREST
PREVENTION
POLICY**

2018

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I. INTRODUCTION

Independent, private and non-profit, ACTED respects a strict political and religious impartiality, and operates following principles of non-discrimination, transparency, according to its core values: responsibility, impact, enterprising-spirit and inspiration.

ACTED is committed to immediate humanitarian relief to support those in urgent need and protect people's dignity, while co-creating longer term opportunities for sustainable growth and fulfilling people's potential. ACTED endeavours to respond to humanitarian crises and build resilience; promote inclusive and sustainable growth; co-construct effective governance and support the building of civil society worldwide by investing in people and their potential.

The commitment of ACTED is guided by four core values:

- **Responsibility:** we ensure the efficient and responsible delivery of humanitarian aid with the means and the resources that have been entrusted to us.
- **Impact:** we are committed to having the most sustainable impact for 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

ACTED is committed to respecting the highest standards in terms of efficiency, responsibility and transparency in its activities, as well as a conflict of interest policy that:

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

This conflict of interest and bad practice reporting policy is aimed at guiding ACTED staff and partners.

The purpose of the policy is aimed at guiding ACTED staff and must be considered together with:

- ACTED's Code of Conduct;
- ACTED's Child Protection Policy;
- ACTED's Data Protection Policy;
- ACTED's Grievance Policy;
- ACTED's Anti-fraud, Bribery and Corruption Policy;
- ACTED's Policy against Sexual Exploitation and Abuse;
- ACTED's Anti-terrorism Policy;
- ACTED's procedures and handbooks e.g. Finance, Logistics, Human Resources, Internal Audit, Security and AME, in connection with the grievances prevention, detection and reporting.



II. INTERPRETATION AND SCOPE

Article 1 – Scope of application

1. This policy applies to all ACTED staff and ACTED governance.
2. The provisions of this policy may also be applied to any person employed by an entity that carries out missions for ACTED.
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

1. Conflict of interest:
 - A conflict of interests stems from a situation in which a staff of ACTED and/or the other entities mentioned 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 ACTED and the other entities mentioned 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 ACTED and the other entities mentioned in article 1 of this policy are subject.
2. 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 ACTED and/or one of its sister organisations and/or one of the member organisations of the ACTED network.

In particular, the members of boards of directors and supervisory boards are Governance members.

3. Implementing partners: 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.
4. 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, in any way, from the actions, programmes and activities of ACTED and/or one of its sister organisations and/or one of the member organisations of the ACTED network.
5. Staff of ACTED: Under the terms of this policy, the term «staff of ACTED» refers to any person employed by ACTED and/or one of its sister organisations and/or one of the member organisations of the ACTED network.
The interns of ACTED and/or one of its sister organisations and/or one of the member organisations of the ACTED network are considered to fall within this category, for the purposes of this policy.
6. 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 ACTED. ACTED staff, as well as the other entities mentioned in Article 1 of this policy, are required to conduct themselves in accordance with this policy and must therefore be aware of its provisions and any changes. When they are unsure of how to proceed, they should seek the advice of a competent person.
2. ACTED staff, as well as the other entities referred to in Article 1 of this policy, who negotiate the terms and conditions of employment of ACTED's staff, as well as the other entities referred to in Article 1 of this policy, shall include a provision stating that this policy is to be complied with and forms part of these terms and conditions.



3. It is the responsibility of ACTED staff, as well as the other entities referred to in Article 1 of this policy, responsible for controlling or directing other ACTED staff, as well as the other entities referred to in Article 1 of this policy, to ensure that they comply with this policy and to take or propose appropriate disciplinary measures as sanction against any violation of its provisions.
4. This policy shall form part of the working conditions of ACTED staff and the conditions for the performance of the missions of the other entities mentioned in Article 1 of this policy from the moment they certify that they have read it.
5. ACTED will review the provisions of this policy at regular intervals.

Article 4 – Purpose of the Policy

1. The purpose of this policy is to specify the rules regarding integrity and conduct with which the staff of ACTED and other entities mentioned in article 1 of this policy must comply, to help them to adhere to these standards and to inform the stakeholders of the conduct they are entitled to expect from the staff of ACTED and the other entities mentioned in article 1 of this policy.
2. Staff of ACTED and the other entities mentioned in article 1 of this policy must read this policy and refer to the ACTED code of conduct, the fraud prevention policy, the ACTED child protection policy, the ACTED anti-terrorism policy and the ACTED handbooks.

III. GENERAL PRINCIPLES

Article 5 – Neutrality

Staff of ACTED and the other entities mentioned in article 1 of this policy must fulfil their duties in a politically neutral 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, ACTED staff, as well as the other entities referred to in Article 1 of this policy, and the other entities mentioned in Article 1 of this policy must act in accordance with the law and exercise their discretionary power in an impartial manner, taking only relevant circumstances into consideration.

Article 7 – Confidence of stakeholders

Staff of ACTED and the other entities mentioned in article 1 of this policy have a duty to conduct themselves at all times in a way that preserves and reinforces the confidence of all stakeholders regarding the integrity, impartiality and efficiency of ACTED.

Article 8 – Hierarchical responsibility

ACTED staff report to their immediate superior 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, the staff of ACTED and the other entities mentioned 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, staff of ACTED 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 ACTED, with regard to their ability to complete the mission fairly and impartially.
2. In the performance of their duties, staff of ACTED must not use resources for their own partisan political purposes.

Article 11- Protection of privacy

All the necessary measures must be taken to ensure that the privacy of staff of ACTED and the other entities mentioned in article 1 of this policy is appropriately respected; as a result, the declarations provided for in 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, the staff of ACTED and the other entities mentioned in article 1 of this policy must only disclose information in accordance with the rules and requirements applicable to ACTED.
2. Staff of ACTED and the other entities mentioned in article 1 of this policy must take the appropriate measures to guarantee the security and confidentiality of the information for which they are responsible or of which they are aware.
3. Staff of ACTED and the other entities mentioned in article 1 of this policy must not seek access to information which would be inappropriate for them to have. Staff of ACTED and the other entities mentioned 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, the staff of ACTED and the other entities mentioned 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, the staff of ACTED and the other entities mentioned 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.

Article 14 – Responsibility of line managers

1. Staff of ACTED and the other entities mentioned in article 1 of this policy in charge of monitoring or directing other staff of ACTED and the other entities mentioned in article 1 of this policy must do so in accordance with the policies and objectives of ACTED. 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. Staff of ACTED and the other entities mentioned in article 1 of this policy tasked with monitoring or directing other staff of ACTED and the other entities mentioned in article 1 of this policy must take the measures necessary to prevent their staff from engaging in acts of corruption in relation to their work. These measures may be: to draw attention to and implement the laws and regulations; to ensure adequate training against the corruption their staff may face; and to set an example of integrity through their personal conduct.



Article 15 – Termination of professional duties

1. Staff of ACTED must not take undue advantage of their role within ACTED to obtain an employment opportunity outside of ACTED.
2. Staff of ACTED 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 superior of their acceptance of any job offer.
3. Staff of ACTED must not use or disclose confidential information obtained by them in their capacity as a staff of ACTED, unless they have been authorised to do so by ACTED in writing, and in accordance with the law.

Article 16 – Relations with former staff of ACTED

Staff of ACTED should not give former staff of ACTED preferential treatment or privileged access to ACTED.

IV. MECHANISMS TO COMBAT CONFLICTS OF INTEREST

Article 17 – Prevention of conflicts of interest

1. Staff of ACTED and the other entities mentioned in article 1 of this policy must prevent their private interests 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 the staff of ACTED and the other entities mentioned in article 1 of this policy take unfair advantage of their professional position for their personal interest.

Article 18 – Reporting

1. Staff of ACTED and the other entities mentioned in article 1 of this policy who believe they are being asked to act illegally, unlawfully or unethically, in relation to an abuse of power or in violation of this policy in any other way, must inform their hierarchy and/or their ACTED staff correspondent of this.
2. Staff of ACTED and the other entities mentioned 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@acted.org¹ or grievance@acted.org².
3. Staff of ACTED and the other entities mentioned in article 1 of this policy must inform their hierarchy and/or grievance@acted.org and/or transparency@acted.org of any proof, allegation or suspicion of illegal or criminal activity concerning ACTED of which they are aware in or as part of the exercise of their duties. ACTED is responsible for investigating the reported allegations.
4. ACTED must ensure that staff of ACTED who report one of the aforementioned cases on the basis of reasonable suspicion and in good faith do not suffer any discrimination.
5. Cases of proven abuse of the application of the provisions of this article may be subject to sanctions.

¹ Transparency: Any element relating to fraud.

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



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

1. Given that the staff of ACTED and the other entities mentioned in article 1 of this policy are generally the only ones to know if they are in this situation, they are personally required to:
 - be attentive to any actual or potential conflict of interest;
 - take measures to avoid such a conflict;
 - inform their hierarchical superior and/or ACTED of any conflict of interest as soon as they are aware of this, in accordance with article 11 of this policy;
 - 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, the staff of ACTED and the other entities mentioned 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, the staff of ACTED and the other entities mentioned 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. Staff of ACTED 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, they must request the opinion of their superior.
2. Subject to the applicable legislation, staff of ACTED are required to inform and obtain the approval of ACTED before performing certain paid or unpaid activities, or accepting any positions or roles outside of their work for ACTED.
3. Staff of ACTED must declare their affiliation with or membership of organisations likely to harm their role or the correct performance of their duties at ACTED.

Article 22 – Gifts

1. Staff of ACTED and the other entities mentioned 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 the staff of ACTED and the other entities mentioned 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 ACTED code of conduct, this does not include conventional hospitality or small gifts, which must be reported to the hierarchy.
2. If a staff of ACTED is 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 the staff of ACTED and the other entities mentioned 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 motive for the offer may be useful during the drafting of the written report provided for in article 11 of this policy;
 - in the event that the gift cannot be refused or returned to the sender, it must be kept, and handled as little as possible;



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- try to have witnesses, for example colleagues working nearby;
 - draft a written report on this attempt and send it to the hierarchy and/or transparency@acted.org, and/or grievance@acted.org as soon as possible;
 - report the attempt to their line manager and/or their functional management as soon as possible.
 - 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 the organisation with an explanatory note.

Article 24 – Vulnerability to the influence of third parties

Staff of ACTED and/or the other entities mentioned 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 reciprocal favour to any person or entity. In the same way, their public and private conduct must not leave them vulnerable to the undue influence of third parties.

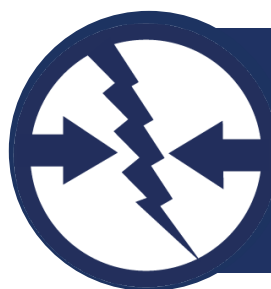
Article 25 – Abuse of professional position

1. Staff of ACTED and/or the other entities mentioned 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. Staff of ACTED and the other entities mentioned in article 1 of this policy must not attempt to influence any person or entity (including other Staff of ACTED and the other entities mentioned in article 1 of this policy) for any private purpose, by abusing their professional position or by offering personal benefits.

Article 26 – Adherence to the policy and sanctions

3. This policy is published under the authority of ACTED. Staff of ACTED and the other entities mentioned in article 1-3 of this policy are required to conduct themselves in accordance with this policy and must therefore take note of the provisions and any modification thereof. When they are unsure how to proceed, they must request the opinion of a competent person at ACTED in writing.
4. The provisions of this policy form part of the employment contract of the staff of ACTED or the contract that links ACTED to one of the other entities mentioned in article 1-3 of this policy.
5. Regarding the staff of ACTED, violation of this policy may give rise to disciplinary sanctions, in accordance with the ACTED sanctions scale set out in the Human Resources handbook.
6. Regarding the other entities mentioned in article 1-3 of this policy, violation of this policy may give rise to sanctions such as those provided for by the contract linking these entities to ACTED.
7. Staff of ACTED who negotiate the employment conditions of other staff of ACTED must include a provision which specifies that this policy must be respected and forms part of these conditions.
8. It is the responsibility of the staff of ACTED tasked with monitoring or directing other staff of ACTED to ensure that these staff respect this policy and to take or suggest appropriate disciplinary measures to sanction any violation of the provisions thereof.
9. ACTED shall review the provisions of this policy at regular intervals.





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ACTED 2018**