



POLICY ON CODE OF CONDUCT AND CONFLICT  
OF INTEREST

**Amar Seva Sangam, Ayikudi**

**Version 1**

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## Contents

Introduction .....	3
1. Code of Conduct .....	3
1.1 Prevention of Bribery Ordinance .....	3
1.2 Acceptance of Advantages .....	3
2. Conflict of Interest .....	4
2.1 Entertainment .....	5
2.2 Misuse of Official Position .....	5
2.3 Handling of Classified or Proprietary Information .....	5
2.4 Property of the Sangam .....	5
2.5 Gambling .....	5
2.6 Outside Employment .....	5
2.7 Compliance with the Code .....	6

## **Policy on Code of Conduct and Conflict of Interest**

### **Introduction**

AMAR SEVA SANGAM (hereinafter called the "Sangam") is a Society registered under the Tamil Nadu Society Registration Act, 1975 vide Registration Number 16/1981 established in 1981. Amar Seva Sangam (ASSA) is a premier Institution in the field of disability management focusing on rural areas, located in Ayikudy Village in Tirunelveli District in South Tamil Nadu, with a **mission** to empower the disabled citizens by establishing a 'Valley for the Disabled' as a Rehabilitation and Development Centre for the region and developing models for self-help initiatives by integrating the disabled individuals with the society for improved living conditions in the villages. Amar Seva Sangam is fully committed to the principle of honesty, integrity and fair play in the delivery of services to the public. All staff should ensure that the activities of the Sangam, such as applications for services, procurement or staff recruitment, are dealt with in an open, fair and impartial manner.

### **1. Code of Conduct**

This Code of Conduct sets out the basic standard of conduct expected of all staff and the organization's policy on matters like acceptance of advantages and declaration of conflict of interest by staff in connection with their official duties. This Code also applies to temporary or part-time staff employed by the organization.

#### **1.1 Prevention of Bribery Ordinance**

Under Section 9 of the Prevention of Bribery Ordinance (Cap. 201), an employee of an organization who solicits or accepts an advantage in connection with his work without the permission of the employer may commit an offence. The term "advantage" is defined in the Ordinance and includes almost anything of value, except entertainment, such as money, gift, commission, loan, fee, reward, office, employment, contract, service or favour (*Appendix 1*).

#### **1.2 Acceptance of Advantages**

1. It is the policy of the Sangam to prohibit all staff from soliciting any advantage from any persons having business dealings with the Sangam (e.g. clients, suppliers, contractors). Staff who wish to accept any advantage from such persons should seek special permission from the Board prior to the acceptance.
2. Any gifts offered voluntarily to the staff in their official capacity are regarded as gifts to the Sangam and they should not be accepted without permission. Staff should decline the offer if the acceptance could affect their objectivity in conducting the Sangam's activities, or induce them to act against the interest of the Sangam, or lead to complaints of bias or impropriety.

3. For gifts which are presented to staff in their official capacity and of nominal value, the refusal of which could be seen as unsociable or impolite (e.g. a plaque presented to a staff member during a seminar in which he is invited to be the guest speaker), the Board has given a *blanket permission* for the staff to accept these gifts. In other circumstances, the staff should apply in writing to the Board for permission to accept the gifts. Each application should be carefully considered by the Board or by the nominated officer for the purpose delegated the authority to consider such applications. Proper records of these applications should be kept showing the name of the applicant, the occasion of the offer, the nature and estimated value of the gift, and whether permission has been granted for the applicant to retain the gift or other directions have been given to dispose of the gift. Possible ways of disposal of such gifts are listed in *Appendix 2*.
4. There is however no restriction on the acceptance of advantages, in the staff's private capacity, from any person who does not have any official dealings with the Sangam. In case of doubt, the staff should refer the matter to the nominated officer for advice and instruction.

## 2. Conflict of Interest

1. A conflict of interest situation arises when the "private interests" of the staff compete or conflict with the interests of the Sangam. "Private interests" means both the financial and personal interests of the staff or those of their connections including:
  - family and other relations;
  - personal friends;
  - the clubs and societies to which they belong; and
  - any person to whom they owe a favour or are obligated in any way.
2. Staff should avoid using their official position or any information made available to them in the course of their duties to benefit themselves, their relations or any other persons with whom they have personal or social ties. They should avoid putting themselves in a position that may lead to an actual or perceived conflict of interest with the Sangam. Failure to avoid or declare any conflict of interest may give rise to criticism of favouritism, abuse of authority or even allegations of corruption. In particular, staff involved in the procurement process should declare conflict of interest if they are closely related to or have beneficial interest in any company which is being considered for selection as the NGO's supplier of goods or services. *Appendix 3* provides some examples of conflict of interest situations which may be encountered by staff.
3. When called upon to deal with matters of the Sangam for which there is an actual or perceived conflict of interest, the staff member should make a declaration in writing to his supervisor. He should then abstain from dealing with the matter in question or follow the instruction of his supervisor who may reassign the task to other staff.

## **2.1 Entertainment**

1. As defined in Section 2 of the Prevention of Bribery Ordinance, "entertainment" refers to food or drink provided for immediate consumption on the occasion, and any other entertainment provided at the same time. Although entertainment is an acceptable form of business and social behaviour and is not an "advantage", staff must not accept lavish or frequent entertainment from persons with whom the Sangam has official dealings (e.g. suppliers or contractors), so that they will not be placed in a position of obligation to the offerer.

## **2.2 Misuse of Official Position**

Staff who misuse their official position for personal gains or to favour their relatives or friends are liable to disciplinary action or even prosecution. Examples of misuse include a staff member responsible for the selection of suppliers giving undue favour or leaking tender information to his relative's company with a view to awarding the contract to the latter.

## **2.3 Handling of Classified or Proprietary Information**

Staff are not allowed to disclose any classified or proprietary information to anybody without authorization. Staff who have access to or are in control of such information should at all times provide adequate safeguards to prevent its abuse or misuse. Examples of misuse include disclosure of information in return for monetary rewards, or use of information for personal interest. It should also be noted that unauthorized disclosure of any personal data may result in a breach of the Personal Data (Privacy) Ordinance (Cap. 486).

## **2.4 Property of the Sangam**

Staff given access to any property of the Sangam should ensure that it is properly used for the purpose of conducting the Sangam's activities. Misappropriation of the Sangam's property for personal use or resale is strictly prohibited.

## **2.5 Gambling**

Staff must not engage in frequent or excessive gambling with persons who have business dealings with the Sangam as well as among colleagues, particularly with subordinates. If on social occasions where refusal of gambling is considered unsociable, the amount of money involved should not be significant. Gambling in the Sangam's premises is strictly forbidden.

## **2.6 Outside Employment**

Staff who wish to take up paid outside work, including those on a part-time basis, must seek the written approval of the Sangam before accepting the job. Applications for outside work should be made to the nominated officer for consideration.

Approval will not be given if the outside work is in conflict with the interest of the Sangam.

## **2.7 Compliance with the Code**

1. It is the personal responsibility of every staff member to understand and comply with the Code of Conduct.
2. All managers should also in their daily supervision ensure that their subordinates understand and comply with the standards and requirements stated in the Code. Any problems encountered as well as any suggestions should be channeled to the designated officer for consideration and advice.
3. Any staff member who violates any provision of the Code will be subject to disciplinary action. In cases of suspected corruption or other criminal offences, a report will be made to the appropriate authorities.

**Appendix 1**

“Advantage” means :

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise or forbearance from the exercise of any right or any power or duty;  
and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e),

but does not include an election donation within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), particulars of which are included in an election return in accordance with that Ordinance.

**Appendix 2**

Ways to dispose of gifts presented to a staff member in his official capacity

- If the gift is of perishable nature (e.g. food or drink), it may be shared among the office or during an activity organized by a service unit of the NGO.
- If the gift is a useful item, it may be handed over to Sangam or a service unit of the NGO.
- If the gift is of historical or other interest, it may be sent to a library or museum.
- If the gift is suitable for display (e.g. a painting, vase, etc), it may be retained for display in the recipient's office or elsewhere in the Sangam.
- If the gift is of low value it may be donated to the Sangam's social function as a lucky draw prize.
- If the gift is a personal item of low value it may be retained by the recipient.



**Appendix 3**

## Examples of Conflict of Interest Situations

- z A staff member takes part in the selection of suppliers or contractors, one of the bidders under consideration being his family member, relative or close personal friend.
- z A staff member has a financial interest in a company which is being considered for selection as the NGO's supplier of goods or services.
- z A staff member accepts frequent or lavish entertainment or expensive gifts from the NGO's suppliers or contractors.
- z A staff member serves as a member of the NGO's recruitment or promotion board, and one of the candidates under consideration by the board is his family member, relative or close personal friend.
- z A staff member responsible for processing applications for admission to a home for the elderly operated by the NGO is considering an application from his family member, relative or personal friend.