



# Conflict of Interest Policy

## ATscale

31 March 2021

## BACKGROUND

ATscale, the Global Partnership for Assistive Technology, convenes a broad range of leading stakeholders across sectors that work together to increase access to affordable, appropriate, and high-quality assistive technology (“AT”) products and services. These stakeholders include donor governments, multilateral agencies, affected countries, organisations of persons with disabilities, non-governmental organisations dedicated to AT, private foundations and other private sector donors. Each of these stakeholders has unique perspectives and expertise to contribute to ATscale and is therefore represented in its governance. The ATscale Board also includes unaffiliated individuals serving in their personal capacity that bring diverse and important perspectives to the Board and that can complement the other representatives but who may still have interests related to ATscale and its work. Even if not a formal part of the ATscale governance, the private sector is an important stakeholder in the achievement of ATscale’s mission.

ATscale recognises that the representative nature of its governance may result in conflicts of interest when the Board, and any committees, advisory bodies or working groups that it establishes under Article 2 of the By-Laws, must consider matters that have a direct effect on the interests of governments, organisations, corporations or individuals engaged in the partnership. ATscale recognises that these conflicting interests must be identified early and that conflicts need to be disclosed and managed with the highest degree of integrity to safeguard against any perception that participation by a particular government, organisation, corporation or individual in ATscale confers an undue advantage for such person or entity in decisions made by the ATscale Board or affecting the work of other governance bodies.

ATscale recognises that many of its stakeholders are subject to the conflict of interest provisions of the organisations they represent. ATscale expects that all stakeholders participating in its work will continue to adhere to all conflict of interest provisions that apply to them. Whenever possible, this Policy shall be interpreted to be consistent with the laws, regulations and other policies applicable to persons involved in ATscale’s governance and operations, including the Secretariat.

### 1 Purpose

The purpose of this Policy is to ensure a high standard of integrity of ATscale’s decision-making processes by identification and disclosure of any conflicts of interest and to manage such conflicts in transparent ways. Transparent and objective decision-making will help to protect the reputation and integrity of ATscale and to promote broad public trust in its activities. The aim of this policy is to ensure that relevant interests, and any potential conflicts of interest, are made open and transparent, and that processes are managed to take declared interests into account.

### 2 Definitions

2.1 *Associated Institution* means (i) any organisation, corporation or government in which an ATscale Person is serving as an officer, director, trustee, partner or employee that receives or may receive funding from ATscale or with which ATscale has an agreement, contract, grant, or other type of relationship; or (ii) any person, organisation, corporation, government or similar institution with whom an ATscale Person is negotiating or has an arrangement concerning prospective employment.

2.2 *ATscale Person* means any member of the Board or of any committee, advisory body or working group the Board establishes under Article 2 of the ATscale By-Laws, Delegate and any professional employee or independent contractor of the ATscale Secretariat with decision-making authority.

2.3 *Decision-Making Process* is a meeting or other discussion of the Board, one of the committees, advisory bodies or working groups established under Article 2 of the ATscale By-Laws or within the Secretariat, whether in-person or by electronic or other means, regarding a policy decision or the award, cancellation or reduction of a financial allocation, contract or any other type of engagement affecting ATscale's resources.

2.4 *Family Member* means an ATscale Person's grandparents, parents/guardians, spouse/domestic partner, siblings, children or other minor dependents and grandchildren.

2.5 *Gift* means any gratuity, favour, discount, entertainment, hospitality, loan, forbearance, honorarium or other item having monetary value. These include services as well as gifts of training, transportation, local travel, lodging and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

### 3 Conflict of Interest

3.1 For the purposes of this Policy, a conflict of interest arises when the ability of a person, participating in a particular ATscale matter or Decision-Making Process, to exercise judgment in the interest of ATscale as a whole would be impaired or may be perceived to be impaired by their financial interests or the financial interests of an Associated Institution or Family Member.

3.2 A conflict of interest may be actual (it exists), potential (it might develop into one) or perceived (it may be considered to exist by others).

### 4 Duty to Disclose

4.1 All ATscale Persons have a duty to disclose the existence of any actual, potential or perceived conflict of interest, including those that derive from their Family Members and Associated Institutions, and the nature of such conflict, whenever they become aware that a conflict exists, that a conflict is reasonably likely to occur or that there is the appearance of a conflict.

4.2 Generally, there will be three opportunities for conflicts of interest to be disclosed:

i. Through an annual declaration using the Declaration of Interest Form attached to this Policy. The annual Declaration of Interest Forms will be stored and managed by the Secretariat.

ii. On receipt of the agenda for individual meetings, participants will be asked to declare any known or potential conflicts of interest against particular agenda items in advance so that these can be presented to the chair of the meeting (or the Chief Executive Officer ("CEO") in case of Secretariat employees) for awareness and any necessary actions. At the start of meetings, the chair of the meeting should again check for any conflicts of interest that may need to be managed.

iii. Declaration of a conflict of interest at any time when it presents itself.

4.3 Subject to any applicable rules and regulations of the Hosting Agency, an employee shall request authorisation of the CEO and the CEO shall request authorisation from the Board Chair before accepting an office or occupation outside their employment duties at ATscale or accepting an honor or decoration provided by an outside party if the proposed action may give rise to an actual or potential conflict of interest or the appearance thereof.

### 5 Principles for the Management of Conflicts of Interest

5.1 ATscale shall execute Decision-Making Processes in an open and transparent manner.

5.2 After disclosing a conflict of interest in the context of a Decision-Making Process that does not involve the provision of funding by ATscale, the ATscale Person shall recuse him or herself from the Decision-Making Process, unless the chair of the meeting decides that such recusal is unnecessary. The chair of the meeting may determine that an ATscale Person with an actual or potential conflict of interest may participate in a Decision-Making Process conditional on a reduced level of participation (for example, presentation of technical information without any recommendations or without participating in the discussion).

5.3 For a Decision-Making Process with respect to funding to be provided by ATscale, the following provisions shall apply:

- a) An ATscale Person with a potential or actual conflict of interest with respect to the funding proposal shall disclose the existence of such conflict of interest to the chair of the meeting where the funding proposal is being discussed in advance of participation in the discussion (in line with Section 3.2.ii above).
- b) There shall be a presumption that an ATscale Person representing a country, organisation or agency: (i) that is nominated to be an implementer of any part of the funding proposal; or (ii) may otherwise receive a grant from the approved funding allocation, has a conflict of interest and is obligated to make a disclosure.
- c) Upon being notified of the conflict of interest, the Chair shall determine the appropriate limits, if any, that shall be placed on the conflicted person's involvement in the discussion and decision-making.
- d) In the event that an ATscale Person with an actual conflict of interest (including a person with respect to whom there is a presumption of a conflict of interest as described in paragraph b above) does not disclose their conflict of interest, the Chair of the meeting shall approach the relevant ATscale Person and request their recusal.
- e) In no case shall an ATscale Person who has an actual conflict of interest in regards to a funding proposal participate in a vote regarding the award, increase, reduction or cancellation of the funding for such proposal.

5.4 In case there is a reasonable cause to believe that an ATscale Person has failed to disclose an actual, potential or perceived conflict of interest, the chair of the relevant meeting, the CEO in the case of employees, or the Board Chair in the case of the CEO will inform the ATscale Person of the basis for such belief and provide him or her with the opportunity to explain the alleged failure to disclose. If, after hearing the response and making further investigations as may be warranted, the chair determines that the interested person has in fact failed to disclose an actual or potential conflict of interest, the Board shall be notified. If it is determined that an employee or the CEO of the ATscale Secretariat has failed to disclose an actual, potential or perceived conflict of interest, disciplinary measures may be imposed in accordance with the relevant employment rules and regulations.

## 6 Gifts

6.1 Subject to the exceptions set out in Section 6.2, all ATscale Persons and Family Members are prohibited from accepting Gifts under circumstances where it could reasonably be construed that the Gift is motivated by the position of the ATscale Person. All ATscale Persons and Family Members shall not give Gifts where it could reasonably be construed that it is intended to affect the policies or practices of ATscale or any of the activities it funds. The Board Chair or, in case of employees the CEO, may waive this provision as appropriate.

6.2 Exceptions:

- An ATscale Person or Family Member may accept an unsolicited Gift on behalf of ATscale when, in their judgment, refusal to do so would not be in the interest of

ATscale. Gifts accepted on behalf of the Secretariat shall be handled under procedures developed by the Secretariat.

- As part of their official functions, ATscale Persons and Family Members may be expected to attend events such as widely attended meetings, official meals and receptions. Benefits associated with such attendance shall generally not be considered to be a Gift, subject to detailed guidance that the CEO may issue.

## 7 Employment at the ATscale Secretariat

Any individual who has served as a Board Member, Delegate, or other participant in any ATscale governance committee that may be created under Article 2 of the ATscale By-Laws, shall not be eligible for employment with the ATscale Secretariat until one year following their last date of service in such position. The Board Chair may waive this provision as appropriate. A request for such a waiver must be submitted by the concerned individual to the Chair before they apply for employment with the ATscale Secretariat. The Secretariat shall not take action on or accept the application for employment from such an individual until a waiver has been granted.

## 8 Effective date, dissemination and review of the Policy

- 8.1 This Policy shall be effective from [DATE].
- 8.2 The Secretariat shall distribute a copy of this policy to all ATscale Persons annually, along with a copy of the Declaration of Interest Form for them to complete.
- 8.3 This Policy will be reviewed and updated as and when required and is subject to Board approval.

## ANNUAL DECLARATION OF INTEREST FORM

Name: \_\_\_\_\_

Position in ATscale: \_\_\_\_\_

### 1. Overview

The Conflict of Interest Policy of ATscale requires Board Members, delegates, and members of any other governance body of ATscale, as well as professional ATscale Secretariat staff, to file a declaration of interest upon taking up such role and to update it on an annual basis thereafter.

The following sections will review the types of declarations required and provide space for you to list, to the best of your knowledge, any interests that may create an actual, perceived, or potential conflict of interest.

Questions on these declarations may be submitted to [Contact person to be decided on]

### 2. Institutional Interests

Please list below any organisation, corporation or government in which you are serving as an officer, director, trustee, partner or employee (or are negotiating to become an employee), that receives or may receive funding from ATscale or with which ATscale has an agreement, contract, grant, or other type of relationship. ATscale must be aware of these associations to avoid any adverse perceptions if you participate in a decision-making process on ATscale's behalf to potentially conduct business with such entity.

Current Position	Entity	Period of Position

### 3. Personal/Financial Interests

Please list below any personal or financial interest (including ownership or investment interest, direct or indirect compensation arrangement, substantial gifts, senior leadership or board member position) that you or a Family Member has in which you or a Family Member would receive a personal or financial benefit as a result of that relationship with ATscale.

Name and family relationship, applicable if applicable	Position/Interest	Entity	Business conducted with ATscale

### 4. Other Declarations

Please list any other information that ATscale should know in order to ensure your compliance with the Conflict of Interest Policy.

### 5. Signature

As an ATscale Person (as defined in the Conflict of Interest Policy), I hereby acknowledge that I have received a copy of the Conflict of Interest Policy and that I have read, understand, and

agree to comply with it. I undertake to update the information requested in this form in the event of any material changes to my circumstances.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_