

THE GIBRALTAR POLICE AUTHORITY POLICY ON STANDARDS AND CONFLICT OF INTEREST

Introduction

It is the policy of the Gibraltar Police Authority (GPA) to define broad principles and behaviour standards that promote a high level of ethical conduct. This policy is intended to promote the highest standards of public trust and integrity while protecting all GPA Members by providing the means to avoid or resolve situations that may otherwise place Members in ethically questionable situations.

Application

This policy shall apply to all persons in the following relationship to the GPA:

- Members of the GPA.
- Members of any Committee appointed by the GPA or appointed to give effect to a responsibility or duty of the Authority under the Police Act, 2006.

DEFINITIONS

Conflict of interest means any situation in which a Member has or may be reasonably perceived to have (by a reasonable and objective person in all the circumstances of the case), a conflict between a private or personal interest (or the private or personal interest of a Member's Associate) and the Member's duties to the GPA that results in, or may result in the execution of GPA duties or decisions being:

- (1) influenced to the detriment of the GPA or those having dealings with the GPA, and/or
- (2) a gain, advantage or showing of preference to a Member or Member's Associate.

Examples of conflicts of interest are at Appendix 1.

GPA means the Gibraltar Police Authority established under Section 3 of the Police Act, 2006.

Immediate Family Members of a Member means a Member's parent, grandparent, sibling, spouse (including a life partner), child, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law and the parent, grandparent, sibling, child, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law of the Member's spouse/partner and a step relative (eg step-parent, step-child, etc).

Member means each and every person who is a member of the GPA and each and every person appointed to any Committee by the GPA or appointed to any Board or Committee to give effect to a responsibility or duty of the GPA.

Member's Associate means:

- Immediate Family Members or close friends of a Member.
- Corporations (other than the GPA) of which a Member is a director or officer.
- Any legal entity to which the Member owes a fiduciary duty.

STANDARDS REQUIRED OF A MEMBER

Public trust and the GPA's policy require that all Members:

1. Perform their duties and functions impartially, objectively, responsibly, diligently, efficiently, with integrity and in a manner that will bear public scrutiny.
2. Arrange their private interests in a manner that will prevent a conflict of interest from arising.
3. Not solicit or accept directly or indirectly for personal benefit or the personal benefit of a Member's Associate, a fee, gift or benefit from a person or an organization that deals with the GPA where the fee, gift or benefit could influence or be perceived to influence a GPA decision or the performance of GPA duties and functions.
4. Disclose to the Chair of the GPA the solicitation or acceptance of donations or gifts where such solicitation or acceptance could influence or be perceived to influence a GPA decision or the performance of GPA duties and functions.
5. Not grant preferential treatment in relation to any GPA matter to a Member's Associate or to organizations in which the Member or a Member's Associate has an interest, to the detriment of the GPA or those having dealings with the GPA.
6. Not benefit or permit a Member's Associate to benefit from information that is obtained in the course of performing GPA duties, whether or not to the detriment of the GPA or those having dealings with the GPA.
7. Not benefit from the use of GPA property for anything except in the course of GPA duties or functions, unless such use has been approved by the appropriate person.
8. Maintain the confidentiality of all confidential information.

GENERAL PROCEDURE TO BE FOLLOWED IN CASES OF ACTUAL, POSSIBLE OR PERCEIVED CONFLICTS OF INTEREST

1. Each Member must declare any actual, possible or perceived conflict of interest as soon as it has been identified. The declaration should be made in writing. However, initially it may be made orally to the Chair of the GPA.

2. As the identification of a conflict of interest is sometimes difficult, each Member is encouraged to consult with the Chair regarding those matters that the Member considers could constitute a conflict of interest. The Chair shall determine whether a conflict of interest exists. In making that determination, the Chair may be guided by advice from the Member and by the advice of counsel, if sought. The Chair should find that there is a potential conflict of interest in cases where there is uncertainty as to whether a conflict of interest exists. Once the Chair has determined that a Member is in a conflict of interest position, the Member should formally declare the conflict of interest in the manner set forth in this policy.
3. Where a Member has made a declaration of a conflict of interest the Chair will ensure that the situation is documented in detail for the records of the GPA and that a determination on the conflict of interest is made and recorded.
4. Where it has been determined by the Chair that a Member has not declared a conflict of interest in the manner set forth in this policy or taken the steps required to be taken to deal with the conflict of interest situation, the Member will be deemed to be in breach of the policy and may be asked to resign from the GPA Board.

UNDERSTANDING CONFLICTS OF INTEREST

In most instances, a conflict of interest can be easily resolved through disclosure and implementation of any necessary corrective action. This Appendix sets out examples of both conflict and non-conflict of interest situations and circumstances. These examples are intended as illustrations to assist with the understanding and application of this policy but are not intended to describe the only circumstances that may arise. An individual in doubt about the existence of a conflict of interest is required to discuss the matter with the Chairman of the GPA.

EXAMPLES OF CONFLICT OF INTEREST SITUATIONS:

Self-Dealing – Promoting the interests of a Member’s Associate:

Example 1

A GPA Board Member is an Executive of an organisation that deals directly with the Royal Gibraltar Police. The organisation can include a business, a legal firm, or charity.

- (a) In the case of a business, the GPA Board Member should declare that his/her firm does business with the RGP, and that he/she will not participate in any matter concerning the said business that may come before the GPA, unless specifically requested by the Chair to do so, and that he/she will abstain from any decision.
- (b) In the case of a charity that deals directly with the RGP, the GPA Member may only participate in those matters where he/she is able to act in the best interests of the GPA. The GPA member cannot use membership of the Authority to gain a specific advantage for the charity or any of the charity’s members.

Accepting Benefits:

Example 2

A GPA Member accepts an honorarium or consulting fee from a supplier that regularly conducts business with the RGP or the GPA. This would give rise to a conflict of interest.

Influence Peddling:

Example 3

A GPA Member uses his/her position, influence or authority to promote the purchase of goods used by the RGP, where the GPA Member or an associate stands to gain financially. This would give rise to a conflict of interest.

EXAMPLE OF A RESOLVED CONFLICT OF INTEREST:

Example 4

A GPA Member appointed to sit on a selection board declares that an applicant is related to him/her and abstains from asking questions of that applicant and from taking part in any discussion or decision relating to the suitability of that applicant for the post applied for. (Conflict of interest resolved.)