

Procedure No: PRO-14.01-PC

Procedure Title: Conflict of Interest Procedure

Review Date: January 2019

1. Purpose

The purpose of this procedure is to help individuals identify potential conflicts of interest with respect to their professional and personal conduct in relation to their employment with Barwon Child, Youth & Family (BCYF) and to assist with what to do if a faced with a potential conflict of interest . It should be read in conjunction with *BCYF's Code of Conduct Policy*.

2. Scope

This procedure applies to employees, volunteers, carers and students on placement, referred to throughout this procedure as '**workplace participants**'. This procedure does not apply to Board Directors as Conflict of Interests relating to the Board are managed in accordance with the BCYF Board Charter.

3. Definitions

Conflict of interest:

- In a professional context a conflict of interest can be defined as 'a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.'
- There are different parts of the employment relationship that can be affected by a conflict of interest such as employment, financial, recruitment and others.
- Conflicts of interest can be:
 - Actual (you **are** being influenced by a conflicting interest)
 - Potential (you **could be** influenced by a conflicting interest)
 - Perceived (you **could appear to be** influenced by a conflicting interest)
- A conflict of interest doesn't need to be a serious problem however, if not managed can damage an organisation's reputation and, in serious cases, be against the law.

Employment:

- Workplace participants must be careful not to take improper advantage of their position in order to obtain benefits for themselves or others.
- Workplace participants who have other employment (paid or unpaid) outside of BCYF or are members of committees or partnerships that may be a conflict of interest (as defined), must declare these at the time of employment/appointment and/or throughout their employment/appointment by completing the BCYF "Declaration of Conflict of Interest and/or Other Employment" form.
- Workplace participants involved in a procurement process must ensure fair and ethical conduct at all times and not allow any conflict of interest (as defined) in their duties and dealings with suppliers.

Examples of this type of conflict of interest could include:

- Holding a second job that involves conflicting work hours or that involves sufficiently long hours to affect the employee's work performance at BCYF.
- Gaining a second job through BCYF connections or contacts.
- Promoting an external business to BCYF connections that there is a family or friend association with.

Financial:

- A financial conflict of interest may arise where an individual has an interest or connection with a company, partnership or other business enterprise, and is in a position to influence contracts or transactions between BCYF and that business.
- Workplace participants should not be involved in awarding or managing of any contract or benefit to others where a personal association exists.

Examples of this type of conflict of interest could include:

- Favours a contractor that there is a personal connection with over others when making a recommendation on who BCYF should use for a service contract
- Using a BCYF contact to promote a personal business or to gain a financial benefit for themselves or others
- Giving information to a supplier that gives an unfair advantage over others in a procurement process.

Personal and Other Interests:

- Accordingly workplace participants should not participate in activities involving recruitment, promotion, performance appraisals, supervision or termination.
- A conflict of interest arises when personal associations or interests interfere with professional conduct and can be serious, even if it appears to be based only on a perceived conflict.

Examples of this type of conflict of interest could include:

- Taking part in a recruitment panel, or promotion, for a friend or relative.
- Managing/supervising a relative or family member.
- Using company resources for a personal business or association.
- Accepting extravagant gifts from potential suppliers of BCYF in case this leads to an expectation of future employment of that supplier.

4. Responsibilities

The **Executive Director People & Culture** is responsible for the effective implementation of this procedure.

The **Human Resource Department** is responsible for sending out the BCYF Conflict of Interest form with new employee starter information and when a conflict is declared to ensure that it is recorded in the BCYF Conflict of Interest Register.

All workplace participants are responsible for complying with this procedure.

Workplace participants are responsible for seeking a documented exemption from Management in any situation or circumstance where they feel that they are unable to follow this procedure.

5. Procedure

5.1 Declaration of Interest

The declaration of interest serves to protect individuals and helps to avoid any conflict of interest arising between private and organisational interests.

- Individuals must declare a conflict of interest, actual or perceived, as soon as they are aware of the potential conflicts.

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- Individuals must seek permission to undertake outside employment from their Manager, prior to engaging in outside employment.
- Individuals must declare any conflict of interest prior to their employment

When deciding on whether a conflict of interest exists

Deciding whether a conflict of interest exists

A good way to decide whether a conflict of interest exists is to ask whether a reasonable person (who understand the personal interests) would believe that a decision maker might be influenced by the personal interests when making decisions on behalf of BCYF.

If the answer is reasonably yes, then a conflict of interest does exist, and a declaration should be made.

5.2 Acceptance of Gifts or Benefits

BCYF acknowledges that relationships can develop between service providers and employees and does not seek to unduly interfere with such relationships. However, individuals should not solicit or encourage gift giving or benefits in relation to their professional duties.

Receipt of gifts may be perceived as an enticement by others, and thus creating a potential conflict of interest.

The acceptance of modest gifts, including hospitality items such as tickets to events, may be appropriate in some situations and should be considered on a case by case basis in consultation with the relevant Executive Director.

Gifts of cash must not be accepted.

If an individual is unsure about acceptance of a token gift or benefit, discussion must occur with their Manager and/or Executive Director.

5.3 Declaring and recording the Conflict of Interest

Individuals must disclose any outside interest or relationship that may present a possible conflict of interest or the appearance of a conflict of interest, as soon as they become aware of it, by completing a **Declaration of Conflict of Interest and/or Other Employment** form and discussing with their Manager or Supervisor in the first instance.

BCYF reserves the right to exercise discretion to address a potential conflict of interest including, in appropriate circumstances:

- Denying an individual permission to engage in outside business activity or outside employment.
- Not employing an individual's family member or an individual with whom the individual has a personal or intimate relationship.
- Reassigning individuals where reporting lines include conflicts of interest due to personal associations.
- Demoting, suspending or terminating individuals.

The following guidelines are included to assist individuals to determine how to handle a possible conflict of interest:

- Determine BCYF's position on the matter.
- Determine your own position on the matter and identify any inconsistency with that of the organisation.

- Consider how others such as your peers, management, government or community would view the conflict of interest.
- Consider potential alternatives to the current situation and their possible implications.
- Determine how the conflict could be best resolved in BCYF's interest.
- If uncertain on how to proceed, discuss the matter with your Manager.

When an actual or perceived conflict of interest arises in the workplace; individuals must:

- Declare the actual or perceived conflict to their Manager.
- Complete Declaration of Interest and/or Other Employment.
- Form to be given to HR to enter on Conflict of Interest Register.
- Remove themselves from associated meetings and / or decision making

Declared conflicts or perceived conflicts will be recorded in the Conflict of Interest Register which is maintained by the Human Resource Department.

6. Legislation, Acts, Standards

QIC Health & Community Service Standards

7. Related Documents

POL-14-PC Code of Conduct Policy
 BCYF Declaration of Conflict of Interest Form
 BCYF Conflict of Interest Register

8. Appendices

Nil

9. Document History

Version Number	Approval Date	Approved By	Brief Description
1.00	12/01/2016	Executive Director, People and Culture	Procedure for identifying and managing conflicts of interest.
Author	Manager, Quality & Risk, ED People & Culture		
Reviewer	EMT		

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