

008 – CONFLICT OF INTEREST POLICY STRATEGIC POLICY



POLICY TITLE:	008 – CONFLICT OF INTEREST POLICY		
VERSION:	004	DATE EFFECTIVE:	01/06/2006
AUTHORISED BY:	Chairperson	DATE REVIEWED:	13/07/2022

PURPOSE

The purpose of this policy is to help Board Members, employees and volunteers of ARC Disability Services Inc. (ARC) to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of ARC and manage risk.

SCOPE

Board Members, employees and volunteers of ARC.

DEFINITIONS

A conflict of interest can be actual, potential or perceived and may be financial or non-financial.

- Pecuniary interests are also known as financial or fiscal interests.
- A potential conflict of interest occurs when there is a risk that the matter could be considered a conflict of interest.
- A real conflict of interest occurs when there is an actual conflict of interest.
- Disclosed conflict of interest – an open declaration of a conflict of interest.

IMPLEMENTATION

Employees, Board members and volunteers must declare potential, perceived and/or real conflicts of interests. The organisation will engage in open, transparent and ethical decision-making processes.

A **conflict of interest** occurs when the organisation, an employee, volunteer or Board member's personal interests are in conflict with the organisation's and / or community's interest. When there is a conflict, it may influence the outcome of the decisions they are required to make.

A **personal interest** occurs when a decision a person makes directly or indirectly affects themselves or associates including (but not limited to):

- Immediate and extended family members or other persons with a strong personal bond, (e.g. husband, wife, children, brothers, sisters, parents, cousins, aunts, uncles and friends);
- Organisations in which the person is actively involved, (church, sporting club, etc.);
- Business partner/s.

A **personal or material interest** occurs when a person and/or their associates may indirectly or directly stand too personally or financially benefit from the decision being made by the decision maker.

A decision that involves the whole community or a specific group of people does not normally lead to a conflict of interest. For example, if the organisation is reviewing a program targeting youth, a Board member, employee or volunteer of the organisation will not have conflict of interest just because he or she has an adolescent son or daughter.

If a Board member, employee or volunteer believes they have a potential or real conflict of interest in a matter that requires a decision to be made, the Board member, employee or volunteer should disclose the personal interest at a staff or Board meeting. For example, if the organisation is deciding whether or not to fund an all-expenses-paid trip for a young person to attend a conference and the person is a son or daughter of a Board member or an employee, the Board member or employee must declare the conflict of interest. A conflict of interest declaration must be communicated at the earliest opportunity after it has been identified.

If a Board member, employee or volunteer believes they have a personal interest that may result in their financial gain, the Board member, employee or volunteer must declare the interest at a staff or Board meeting.

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If one of the Management team or Chair of the Board believes that a potential or real conflict of interest may exist, then the Manager/Chair is required to disclose the matter to the Chief Executive Officer (CEO).

If the organisation has a perceived conflict of interest (i.e. Participant choosing multiple services within ARC) the organisation will ensure the *Freedom of Choice* is evidenced within the decision making of the participant.

EXAMPLES OF CONFLICTS OF INTEREST

The below examples are included to assist with the identification of potential conflicts of interest.

If a staff member were supporting a participant via ARC engaged supports, and that participant wished to contract that worker for private supports, this would be considered a conflict of interest. In this instance, a decision would need to be made for the staff member to support the participant as an employee of ARC or privately, but it cannot be both.

If a staff member is an immediate or extended family member of the participant or has a strong personal bond with the participant, a conflict of interest would need to be declared. For supports to proceed, the organisation would need to be satisfied that the staff member could appropriately manage the conflict.

If a staff member is an immediate or extended family member of another staff member, particularly if either person fulfils a role in which there is a risk of a potential or perceived conflict of interest, this conflict must be declared. A review of the conflict is to take place and if deemed appropriate, the declaration must include a statement on the method of preventing any implied or real financial or personal benefit to either party.

What happened when a conflict of interest is disclosed?

When an employee or Board member of the organisation declares a potential or real conflict of interest at a meeting, the disclosure should be recorded in the Minutes and the responsibility for resolving the conflict of interest rests with the Manager or Chair.

When a conflict of interest is disclosed, the Manager or Chair of the Board should record the declaration in the *Conflict of Interest Register*.

When the Manager or Chair or other employee discloses a conflict of interest, the responsibility for resolving the conflict rests with the CEO.

If the conflict of interest is a minor issue, the organisation's Chair or CEO may decide that disclosure and registering the conflict of interest is a sufficient course of action.

If the conflict is significant, the organisation, the Board Member, employee or volunteer should apply the requirements of this policy and must remove themselves from all discussions and decisions being made regarding the matter.

ACCESSING THE CONFLICT OF INTEREST REGISTER

All persons wishing to access the *Conflict of Interest Register* must make the necessary application addressed to the CEO stating the reason for the request. And should complete the Request to *Access Public Documents*.

The *Conflict of Interest Register* should be made available to the requester within 21 days of the request, unless there are special circumstances that exist or the applicant has been denied.

The *Conflict of Interest Register* should be stored in a safe and secure location and is managed independently by ARC's Quality Coordinator.

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AUTHORISATION

This Policy is approved and issued by:



Elizabeth Brown

Chairperson

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