

CONFLICT OF INTEREST Policy & Procedure

QA REFERENCE	HRM P&P No 28
INTRODUCED	28 th March 2019
LAST REVIEWED	20 th May 2020
NEXT REVIEWED	20 th May 2023
RESPONSIBILITY	The Manager People and Culture is responsible for the review and currency of this policy and associated procedures.
APPROVED	Approved by the Chief Executive Officer on the 20 th May 2020.
ENDORSED	Endorsed by the OLG via circular email on 20 th May 2020
RATIFIED	Policy ratified by the Board of Directors at a meeting of the Board on 7 th July 2020. <i>This policy is valid from the date of introduction and remains in force, as amended from time to time, until such time as formally revoked by resolution of the Board of Directors.</i>
REFERENCES –	
Related Legislative Acts and other sources of Authority	<ul style="list-style-type: none"> • Privacy Act 1988 (C'wlth) • Privacy and Data Protection Act 2014 (Vic) • Housing Act 1983 (Vic) Part VIII A – Social Housing • DHHS Victorian Housing Register Operational Guidelines • Charter of Human Rights and Responsibilities 2006 • Australian Charities and Not-for-profits Commission – managing conflicts of interest • Corporations Act 2001 (Cth)
Related Standards Guidelines and other References	<ul style="list-style-type: none"> • Performance Standards for Registered Housing Agencies • DHHS Victorian Housing Register Operational Guidelines • Guidelines for Registered Housing Agencies published by DHHS • Commonwealth Ombudsman • Disability Services Commissioner • Human Services Standards • Mandatory Reporting • Child Safe Standards • Complaint Handling Guide - upholding the rights of children and young people
Related MASP Policy and Procedure documents	<ul style="list-style-type: none"> • Privacy and Confidentiality - M't P&P No 16 • Code of Conduct – HRM P&P No 12 • Governance – G&B P&P No 01 • Staff Grievances - HRM P&P No 10 • Disciplinary Procedures - HRM P&P No 17

	<ul style="list-style-type: none"> Whistle-blower - HRM P&P No 23 Conflict of Interest NDIS - CWG P&P No 05
Related MASP Instruction and Guidelines documents	<ul style="list-style-type: none"> Board Director Code of Ethics and Proper Conduct - G&B I&G No 02
Related MASP Forms and Templates	<ul style="list-style-type: none"> Disclosure of Interest - Board Director - G&B F&T No 19 Disclosure of Interest - Staff and Volunteers- HRM F&T No 63 Register of Interests - Board Director - G&B F&T No 13 Register of Interests - Staff and Volunteers- HRM F&T No 64
ACRONYMS/DEFINITIONS	
<ul style="list-style-type: none"> MASP OLG 	<ul style="list-style-type: none"> Mallee Accommodation and Support Program Ltd Operational Leadership Group

SCOPE

This policy relates to all Board Directors, OLG members, staff, volunteers and contractors being required to act in the interests of the organisation at all times, and to notify the organisation when this conflicts with other interests or commitments.

Declaration and management of conflicts of interest are specifically required for Board Directors as part of their legal responsibilities as members of the Governing Body.

POLICY

MASP is committed to ensuring that actions and decisions taken at all levels in the organisation are informed, objective and fair. A conflict of interest may affect the way a person acts, decisions they make or the way they vote on group decisions.

Conflicts of interest must be identified and action taken to ensure that personal or individual interests do not impact on the organisation's services, activities or decisions.

This policy requires that all staff, volunteers and Board Directors

- act impartially and without prejudice
- declare any perceived, potential or actual conflict of interest
- do not accept gifts or benefits that could influence a decision

This will include situations in which

- close personal friends or family members are involved, such as decisions about employment, discipline or dismissal, service allocation or awarding of contracts;
- an individual or their close friends or family members may make a financial gain or gain some other form of advantage;
- an individual is involved with another organisation or offers services that are in a competitive relationship with our organisation and therefore may have access to commercially sensitive information, plans or financial information;
- an individual is bound by prior agreements or allegiances to other individuals or agencies that require them to act in the interests of that person or agency or to take a particular position on an issue.

PROCEDURES

Registration of interests

It is important to know what our personal interests are, and the interests of any other people connected with us, and how these interests could influence decision-making. As a general rule, Directors, OLG members, staff, volunteers and contractors should be aware of:

- current and previous paid or volunteer work;
- current and previous trusteeships;
- whether you are a Board member of any other organisation;
- whether you own a business or a share in a business;
- whether you hold employment or influence for an organisation that could provide goods or services to MASP;
- membership of other organisations you hold; and
- any similar interests of your family or friends.

To help identify conflicts of interest, the Australian Charities and Not-for-profits Commission recommends individuals use the 'impartial observer test.' The test is as follows:

1. You are a member of a Board
2. You have some personal interests
3. Would an impartial observer think that you are likely to, or may be likely to, be improperly affected by these personal interests?

If the answer is yes to the final question, it is likely you have a conflict of interest.

If you think that there is a chance that these interests may conflict with the interests of MASP, even at some point in the future, these interests must be recorded in the 'register of interests' as soon as they are identified.

A register of interests will be kept and all Directors, OLG members, staff, volunteers (if applicable) and contractors (if applicable) will be asked to declare:

- Perceived, potential or actual conflicts of interest that exist when a person joins the organisation
- Conflicts of interest that arise during their involvement with the organisation

The register of interests for Board Directors will be maintained by the Executive Assistant; and the register of interests for OLG members, staff, volunteers (if applicable) and contractors (if applicable) will be maintained by the Manager, People and Culture.

All perceived, potential and actual conflicts will be recorded in the register, showing:

- the name of individual
- their position or role in the organisation
- the nature of the interest they hold
- the date of record
- any incidents that arise where the interest comes into conflict with the interests of the organisation, the date of the incident and a summary of how it was managed

Identification and declaration of conflicts of interest

In addition to an initial declaration of any potential conflicts of interest at the beginning of their involvement with the organisation, all Board Directors, OLG members, staff and volunteers are required to declare any perceived, potential or actual conflicts of interest they are aware of by:

- At the beginning of any meeting or decision-making process informing those present when a conflict might exist.
- Outside of a meeting informing the Company Secretary (for members of the Board of Directors) or the Manager People and Culture (for OLG members, staff or volunteers).
- Providing formal notification in writing to the Company Secretary (for members of the Board of Directors) or the Manager People and Culture (for OLG members, staff or volunteers).
- Board Directors are required to complete a Disclosure of Interest Form on an annual basis.

Management of conflicts of interest

Where a conflict of interest is declared or identified -

for Members of the Board of Directors

- The Chair of the Board and/or the Board of Directors will assess whether a conflict exists
- If the matter is not resolved prior to a meeting, the Board of Directors will decide on the action to be taken by the individual. They may be asked to:
 - leave the meeting during discussion and decision on the matter.
- Members of the Board of Directors with a significant and ongoing conflict of interest may be asked to:
 - take leave of absence from the Board of Directors for the period over which the matter will be discussed and decided
 - resign from the Board of Directors
 - leave the meeting during discussion and decision on the matter
- the declaration of conflict of interest will be recorded in the minutes of the Board or Sub-committee meeting along with the action taken

for Staff Members

- The conflict will be assessed by the staff member's immediate supervisor, or for the members of the OLG it will be the Chief Executive Officer
- Where the conflict concerns a group process, the assessment may be conducted by the group convenor or the staff team concerned
- If a conflict of interest exists or there is a perception that a conflict exists, the staff member or manager may be asked to:
 - leave the meeting during discussion and decision on the matter

Staff involvement in external activities

MASP encourages and supports staff members becoming involved in community activities and volunteer work in their personal lives. However, it is possible that staff members may undertake volunteer or professional roles outside the organisation that give rise to a conflict of interest, or a perception of conflict

(e.g. Staff undertaking consultancy work for member organisations or government agencies).

As a result, MASP expects that all staff members declare their involvement in external activities related to the work of MASP when they are employed, and discuss and plan with their supervisor how any perceived, potential or actual conflicts of interest can be managed. Staff members taking on other (new) work outside MASP shall inform their supervisor.

Contractors

All contracts with external consultants being engaged by the organisation will include a declaration that no conflict of interest exists.