

GOV-010 Employee Conflicts of Interest Policy

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| Applies to: | All PWDA employees, volunteers and contractors |
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| Policy owner: | Director of People and Culture |

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Purpose

- To help PWDA protect its integrity and viability by preventing conflicts of interest from influencing decisions or actions.
- To promote a culture at PWDA of honesty, integrity and ethics.
- To help employees (including volunteers and contractors) to:
 - understand their obligation to comply with legislation, regulations and policy about conflicts of interest, and
 - know how to identify, disclose and manage any conflicts of interest when carrying out their duties.

This policy should be read together with the **Employee Code of Conduct and Ethics**.

Scope

This policy applies to all employees (including volunteers and contractors).

Policy statement

PWDA is committed to a culture of honesty, integrity and ethics and managing conflicts of interest so that they do not affect PWDA's services, activities, decisions, integrity or reputation.

PWDA will manage conflicts of interest openly and effectively, so they do not become a problem to PWDA.

Roles and responsibilities

Everyone at PWDA is responsible for identifying, disclosing and resolving conflicts of interest.

CEO and Board – are responsible for establishing a system for identifying, disclosing and managing conflicts of interest across the organisation, and monitoring compliance with this policy.

Leaders – are responsible for ensuring awareness and compliance with this policy and procedure amongst their teams.

Director of People and Culture – is responsible for monitoring organisational compliance with this policy and ensuring employees understand their responsibilities regarding conflicts of interest. They will also ensure employee conflicts of interest are disclosed, recorded, monitored, managed and resolved in line with this policy.

Employees – are responsible for complying with this policy and following the procedures.

What are conflicts of interest?

Employees need to be able to identify when there is, or could be, a conflict of interest. This information explains what a conflict of interest is and how to recognise a conflict of interest.

Definitions

Conflict of interest – arises when an employee's duty to act in the interests of PWDA is compromised by some other personal, financial, or professional interest. In the context of this policy, specifically, conflict of interest, including those that relate to any current or former association with a Participating Institution in regard to the National Redress Scheme.

Personal interest – refers to a person's own interests and those of their family and friends and/or any organisations they support of are involved with.

Benefit – is any product, service, or advantage given to a person due to their work. This can include money, gift cards, gifts, discounts or favourable treatment.

A conflict of interest may be:

- **actual** – a person is being influenced in their work by a conflicting professional, financial or personal interest
- **potential** – a person could be influenced by a conflicting interest
- **perceived** – a person could appear to be influenced by a conflicting interest.

Conflict of Interest Register – records details of actual, potential, or perceived conflicts of interest that an employee identifies.

Importance of minimising and managing conflicts of interest

PWDA can be put at risk when employees (including volunteers and contractors) have conflicts of interest that are not disclosed or not managed properly.

Examples of a conflict of interest

The list below is not exhaustive and if ever in doubt about a potential conflict of interest, please contact the Director of People and Culture or your leader.

Where an employee:

- makes a decision motivated by considerations other than the best interests of PWDA
- has a partner, friend, or close family member (a related party) who is doing business with PWDA
- on behalf of PWDA, is involved in, or has an influence on, the hiring of a person who is a related party
- is involved in, or has an influence on, awarding a contract to a related party or to a business associated with a Board member or employee
- has other directorships and/or relationships that are in direct competition and/or opposition to the interests of PWDA,
- is self-employed working in a similar role or with similar stakeholders
- also works for another organisation, especially when it is a similar role
- learns of an opportunity that may benefit them personally or another organisation in which they have an interest
- assists a third party in their dealings with PWDA, which could result in PWDA giving favourable or preferential treatment to that party, or
- receives gifts or loans from PWDA, or as a result of their role with PWDA.

Avoiding conflicts of interest

Employees have a duty to avoid conflicts of interest whenever possible.

Employees must make sure they comply with this policy and follow these procedures so that any conflicts of interest do not become a problem or risk.

Declare payment of any professional fees

In general, employees must disclose to the Director of People and Culture any professional fees – including sitting fees – payable to them while performing their duties for PWDA, or by virtue of their professional role.

In most cases, professional fees are payable to PWDA rather than to an employee in recognition that they are already being paid for the duties they perform. However, the CEO has a discretion to authorise payment of professional fees to an employee:

- if the work to which the fee relates results in you exceeding your normal hours of work
- where other staff members, in a similar position, have been paid professional fees in the past.

Procedures

Declaring conflicts of interest

Employees must declare a conflict of interest that could affect how they perform their duties as soon as they become aware of it.

Existing Conflicts of Interest

Employees must report any existing conflicts of interest when they commence employment with PWDA. They must complete the **Conflict of Interest Declaration Form** as part of their onboarding.

New Conflicts of Interest

Employees must update their declaration when they become aware of a new conflict of interest, or if there is a change to their previous declaration.

New or changed conflicts of interest must be reported as soon as possible by completing the **Conflict of Interest Declaration Form** and submitting this to the Director of People and Culture.

Managing declared conflicts of interest

When a conflict of interest has been identified and documented, we need to manage it appropriately so that it does not pose any significant risks to PWDA.

When an employee has declared a conflict of interest, they must not:

- receive any information about the matter that relates to their conflict of interest
- be present during any discussions about the matter
- take part in making any decision about the matter.

The Director of People and Culture will discuss the disclosure with the employee as soon as possible. They will decide and agree on the most appropriate risk management strategy to deal with the conflict. This includes whether to manage the conflict or end it.

Where the conflict has been raised by a member of the Senior Management Team, it is referred to the Chief Executive Officer.

Where the Conflict of Interest has been raised by the Chief Executive Officer it must be raised to the Board for consideration and approval.

All employee conflicts of interest are entered into the Staff Conflict of Interest Register managed by People and Culture and recorded in their personnel file.

Mitigating a conflict

Varying risk management strategies could be implemented depending on the conflict and the risk to PWDA. Some examples of risk management strategies could include:

For an occasional conflict of interest:

- that the employee does not have access to sensitive or confidential information on the matter
- that the employee does not take part in any important decision-making on the matter
- that the employee withdraws from the situation that causes the conflict
- PWDA brings in another person to manage or make decisions about the matter.

For ongoing serious or actual conflicts of interest:

- removing the employee from any involvement in the matter
- re-arranging the employee's work duties and responsibilities
- transferring the employee to another area of work.

There could be some situations where PWDA believes the conflict of interest is not compatible with being an employee. If the Director of People and Culture believes an employee has a conflict of interest that is incompatible with working for PWDA, they will notify the CEO who will decide whether the employee should resign.

Working in an ethical way

PWDA is committed to a culture of honesty, integrity and ethics. We expect everyone at PWDA to work towards maintaining that culture.

Board members and employees must carry out their duties with the proper use of their authority, responsibility and in a professional and ethical way.

Ethical problems can happen in situations where people have not met expected standards. (This includes when those standards have been clearly talked about by PWDA or not). As a general guide, PWDA's expected performance standards include:

- being loyal to PWDA and its interests
- dealing with the public, staff, clients, and Board members in an ethical, fair, and straight-forward manner
- speaking positively of PWDA in public
- fostering friendly and positive working relationships between volunteers and staff; and
- maintaining confidentiality of business matters.

Dishonest use of information

Board members, former Board members, employees or former employees must not use information they obtained in their role dishonestly. This includes directly or indirectly to:

- gain an advantage for themselves or another person, or
- harm or damage PWDA.

Breach of policy

Failure to disclose a conflict of interest, or to follow mitigation strategies may result in disciplinary action up to and including termination.

If an employee believes another person has breached this policy, they should report it to the Director of People and Culture as soon as possible.

They can be covered by PWDA's Whistleblower Policy, so their identity and any identifying information will be kept confidential.

Annexure A – National Redress Scheme

PWDA is a Support Service Provider under the **National Redress Scheme** (NRS). The Scheme was set up by the Australian Government following the Royal Commission into Institutional Responses to Child Sexual Abuse.

We are committed to providing confidential and free support to people with disability who are survivors of institutional child sexual abuse and who are considering applying for redress.

Our services include providing information; face to face, telephone, and online support; and referrals to other related services, as needed.

People with disability within the Redress Scheme target group, and other stakeholders, must be confident that PWDA is independent of **Participating Institutions** registered with the Scheme.

A list of Participating Institutions is published and regularly updated on the National Redress Scheme website www.nationalredress.gov.au.

PWDA employees are asked to reflect upon and identify any conflict of interest arising from a current or former association with a Participating Institution. We are aware that if these conflicts are not managed appropriately, then they may damage the functioning and reputation of our organisation.

If such a conflict of interest is identified, it is reported by completing the **Conflict of Interest Declaration Form**.

Definitions

Institution means an organisation such as a school, church, club, orphanage or children's home, or a government department or any organisation recognised as an institution by the National Redress Scheme.

Participating Institution is an institution that has joined the National Redress Scheme so that it can provide redress to people who experienced child sexual abuse in relation to that institution.

National Redress Scheme is the Scheme set up by the Australian Government to provide redress to people who experienced institutional child sexual abuse. The offer of redress can include access to counselling, a redress payment and a direct personal response.

Redress means acknowledging harm done.

Deciding what action to take with a Redress conflict of interest

When a conflict of interest is declared related to the National Redress Scheme, consideration is given to:

- whether the conflict needs to be avoided or simply documented – this will depend on the extent of the past or present association with the Participating Institution
- whether the conflict will realistically impair the disclosing person’s capacity to participate impartially in decision-making about a redress issue involving the Participating Institution
- alternative options to avoid the conflict
- whether the individual with the conflict of interest may be removed from duties related to the conflict for as long as it exists.

PWDA’s relationship with clients seeking support for redress proceedings

All Redress Scheme clients are informed about PWDA’s policy about the Scheme and its independence from the Participating Institutions registered with the Scheme.

Our aim is to never have a direct practice staff member providing support to a redress client, or clients, prior to discovering a conflict of interest.

In addition to the requirement to declare the conflict of interest as outlined in this policy, when a staff member or volunteer assigned to support a redress client has an actual, potential, or perceived conflict of interest with a Participating Institution, they are expected to:

- discuss the matter with their leader and agree on a strategy to mitigate the conflict
- declare the conflict to the client at the earliest opportunity along with:
 - an explanation of their connection with the Participating Institution

- how the conflict will be managed, and
- an assurance that PWDA's role is to support the client before, during and after the redress process
- ask the client if they are willing to continue receiving redress support from PWDA or if they would prefer to be referred to another Support Service provider
- advise the client that they can change their mind at any time
- inform the client of their right to use PWDA's Complaints and Resolution procedure if they feel the support provided by PWDA is tainted by PWDA's association with the Participating Institution.

PWDA's relationships with external organisations

PWDA establishes working relationships with many external organisations – for instance, by way of a Memorandum of Understanding, project partnership, contract for service, brokerage arrangement, and so on.

As part of the relationship establishment process, managers are expected to:

- check whether the external organisation is a registered Participating Institution under the National Redress Scheme
- if so, record details of the proposed relationship in the NRS Conflict of Interest Register, with a justification as to why the relationship with PWDA is necessary and how conflict of interest implications will be managed
- if so, request the external organisation to formally acknowledge PWDA's role as an independent advocacy organisation and registered support provider under the Redress Scheme.

In some circumstances, a decision may also be taken not to establish a formal relationship with an external organisation, which is a registered Participating Institution.

Attachment 1 – Conflict of Interest Declaration Form

I confirm that I have read the Conflicts of Interest Policy and the National Redress Scheme Annexure and agree to disclose any real, perceived, or potential conflict of interest that may arise during the course of my employment with PWDA. I will do this as soon as possible after I become aware of facts that could give rise to conflict of interest.

This declaration provides the disclosure of my interests, relationships and/or holdings that may lead to, or be perceived as giving rise to a conflict of interest between myself and the interests of PWDA.

I understand that if there is a change to the interests after giving this declaration, I am responsible for providing a revised declaration as soon as possible.

I also understand that in disclosing any interests, I agree to PWDA’s decisions regarding the management of these interests.

I understand that the CEO reserves the right to seek further information. I agree to provide that information upon request.

Do you have a conflict to declare (tick box): **Yes** **No**

If **NO**: print your name and position below, then sign and date.

If **YES**: complete the declaration on page 13, then add your details, signature and date below.

Name: _____

Position: _____

Signature: _____

Date: _____

Declaration

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| <p>Type of conflict: (e.g., commercial relationship, connection with other organisation, family or personal relationship, financial investment, relationship to a position of influence or other).</p> | |
| <p>Nature of conflict: (e.g., actual, perceived or potential).</p> | |
| <p>Conflict description: Provide sufficient information to enable a procedure for management of the conflict of interest to be established. If third parties are relevant to the disclosure, the third parties should be informed.</p> | |
| <p>How will this conflict be managed? Describe how it might affect or be seen to potentially affect you or PWDA and explain how you propose to manage this conflict of interest.</p> | |
| <p>Additional comments Please provide any additional information here that you consider relevant</p> | |

Related documents

Relevant legislation, regulations and standards

- Corporations Act
- ACNC Standards
- ACFID Code of Conduct
- National Disability Services Standard 2 – Service Management
- [National Redress Scheme for Institutional Child Sexual Abuse Act 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2024](#)
- [National Redress Scheme](#)
- [National Redress Scheme Participating Institutions](#)

Relevant PWDA policies, procedures

- Access to Information Policy
- Privacy Policy
- Staff Code of Conduct and Ethics
- Whistleblower Policy

Relevant supporting documents

- Conflict of Interest Declaration Form