

Summary

It is the responsibility of Life Without Barriers (LWB) and its employees, the board, contractors, carers and volunteers to guard against conflicts of interest that might compromise the integrity and objectivity of the Life Without Barriers community. All employees, contractors, volunteers and carers are responsible for declaring any potential, perceived or actual conflicts of interest.

The Conflicts of Interest Policy Guideline outlines LWB's principles for the identification and management of actual, potential, or perceived conflicts of interest, and how best to address such issues if they arise. Conflicts of interest will be managed consistent with:

- Relevant Policy Statements – particularly Organisational Accountability, Human Resources, Legal and Regulatory Compliance, Focusing on Positive Outcomes and Service and Program Management, Coordination and Evaluation
- Our Values and Code of Conduct;
- this Policy Guideline and other relevant Policy Guidelines, particularly the NDIS Managing Conflict of Interest, Secondary Employment and Other Business Activity and Procurement;
- LWB Governance Charter and LWB Risk Management Framework; and
- any regulatory, contractual or legal obligations.

This Policy Guideline is subject to variation from time to time, at the sole discretion of LWB. It is not intended to be legally binding and does not form part of employees' contracts of employment.

Scope and Application

This Policy Guideline applies to employees, the board, contractors, volunteers and carers.

Aim of the Policy Guideline

To safeguard the reputation and integrity of LWB to its employees, the board, funders, service users, the community and any other parties in contact with LWB;

To ensure public trust in LWB's services and management is maintained;

To ensure sound, fair, efficient and objective decisions are made, allowing LWB to achieve its stated objectives within the framework of the organisation's strategy, vision, mission and values.

Definitions

- A **conflict of interest** is a situation in which a person has a private or personal interest sufficient to influence or appear to influence objective decision making or actions in their role. Conflicts of interest exist if a person's position or authority may be used to influence

or make decisions that lead to any form of financial or personal gain (or avoidance of loss) for that person or for their family or friends, whether actual or perceived.

- **Actual conflict of interest:** involves a direct conflict between current duties and responsibilities and existing private interests.
- **Perceived conflict of interest:** conflict exists where it could be perceived, or appears, that private interests could improperly influence the performance of duties – whether or not this is in fact the case.
- **Potential conflict of interest:** arises where private interests could conflict with a person's responsibilities or duties.
- **A pecuniary conflict of interest** involves financial gain or loss.
- **A non-pecuniary conflict of interest** does not involve financial gain or loss, but rather involves benefits associated with relationships (based on enmity or amity).

Examples of conflicts of interest include, but are not limited to:

- Contracts between LWB and an organisation in which the person has an interest;
- Ownership of property which may be affected by a decision of LWB;
- Material shareholding in an organisation dealing with or in competition with LWB;
- Person's position in an organisation dealing with or in competition with LWB;
- Creditor status in an organisation dealing with LWB;
- Professional involvement with a Government department or an organisation where the nature of this involvement may have an actual or perceived potential to either advantage or disadvantage LWB in respect of its funding and/ or status as a licensed or accredited service;
- Having influence on any Human Resource or Management related decisions of another LWB employee, the board, contractor or carer with whom you have a close personal relationship (whether it be a family relationship, intimate or otherwise);
- Holding a dual role in the organisation such as being both a foster carer and a paid employee. This can lead to conflicts (actual or perceived) in decision making, access to information and in other ways.
- Having a personal relationship with a colleague, carer or other stakeholder of the organisation.

Conflicts of Interest Policy Guideline

LWB will take necessary precautions to ensure conflicts of interest are reasonably identified, disclosed and managed or eliminated.

It is everyone's responsibility to reasonably identify and disclose potential, perceived or actual conflicts of interest as soon as practical, including prior to voting, making a decision or carrying out any actions;

Employees, the board, contractors, volunteers and carers must not carry out decisions or actions that will unfairly advantage them or provide private gain;

This policy will preclude an employee from simultaneously holding a role as a LWB foster or kinship carer. Some exceptions may apply on a case by case basis such as carer ambassadors or peer support functions where the conflict is identified and explicitly managed;

Conflict of interest disclosures will be acted upon, and any plan or procedure agreed to in order to manage the conflict of interest will be followed. Where a conflict of interest no longer applies, the Manager should also be notified;

Decisions or actions which unfairly benefit an individual will not be permitted without adequate protection in place to prevent inappropriate pecuniary or non-pecuniary benefits;

Where there is a potential conflict of interest, a full and frank disclosure should be made to the line Manager / supervisor (or contact at LWB in the case of carers);

Conflict of Interest disclosures will be treated as confidentially as possible, within the requirements of the law and LWB's privacy policy;

Failure to disclose actual or potential conflicts of interest can lead to:

- Misconduct or other disciplinary proceedings against the person;
- Termination of a service agreement with a contractor;
- Legal action against LWB or the individuals concerned.

Policy Guideline Commitments

Encourage all employees, the board, contractors, volunteers and carers to reasonably identify, disclose and manage conflicts of interest;

Follow this Policy Guideline and where appropriate, complete the [Disclosure of Conflict Form](#) and follow the management plan in the approved Form;

Performance Indicators

Completed Disclosure of Conflict Forms on file (i.e. on the Register of Interests or Record of Directors' Interests) or submitted through MyHR;

A reputation of integrity and objectivity in the eyes of all LWB key stakeholders. This can be measured by achievement of re-accreditation and licensing with funding bodies.

Non-Compliance of Policy Guideline

Failure to comply with this Policy Guideline may result in disciplinary action up to and including termination of employment.

Version Control

Previous version	Doc ID
Conflict of interest	POLICY-4-9471
HR 2002.03.000 Conflict of Interest Policy.docx	POLICY-4-295