

Conflict of Interest Policy

1. Policy Statement

Uniting (Victoria and Tasmania) Limited (Uniting) is the community services organisation of the Uniting Church that's worked alongside local communities across Victoria and Tasmania for over 100 years. The Uniting values: 'imaginative', 'bold', 'respectful', and 'compassionate' underpin our work and shape the nature of our relationships with consumers and other stakeholders.

Uniting is committed to avoiding actual, potential and perceived conflicts of interest, ensuring the highest levels of integrity and public trust in Uniting.

The objectives of this policy are:

- to protect Uniting's business, financial and operational interests
- to ensure that Uniting employees always observe the highest standard of business ethics; and
- to avoid any activity or interest that might reflect unfavorably upon an employee's own integrity and good name, or upon the integrity and good name of Uniting

This purpose of this policy is to:

- specify the responsibilities of all employees to disclose personal or financial interests which may from time to time conflict with the interests of Uniting
- to ensure compliance with relevant regulatory and legislative guidelines and the Uniting **Code of Conduct**
- to provide guidance by which conflicts of interest can be handled in such a way that the reputation of Uniting is not compromised

Uniting Board members and employees will:

- act in good faith towards Uniting
- be alert to the fact that Uniting's interests are not always the same as those of a consumer or service user
- remain aware of their obligation to avoid conflicts of interest where possible, and manage these conflicts of interest that cannot be avoided
- actively avoid being placed in situations of actual or perceived conflict between the interests of Uniting and their own private or personal or interests
- assess their private and personal interests, and whether they conflict, or have the potential to conflict with their official duties
- Include declaration of conflicts of interest as a standing agenda item for all Board, Board-Sub Committee and Executive meetings.

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- Raise any concerns regarding a conflict of interest affecting another employee with their supervisor, or next level manager where the concerns relate to the supervisor
- Take reasonable steps to restrict the extent to which a private interest could compromise, or be seen to compromise, their impartiality when carrying out their employment duties
- Abstain from involvement in decisions and actions that could reasonably be seen to be compromised by their private interests and affiliations
- Avoid private action in which they could be seen to have an improper advantage from inside information they might have access to because of their Uniting duties
- Not use their Uniting position or Uniting resources for private gain
- Ensure that there can be no perception that they have received an improper benefit that may influence the performance of their official duties, and
- Not take improper advantage of their Uniting position or privileged information gained in that position when seeking employment outside the public sector
- Disclose conflicts of interests to consumers in relation to service delivery (i.e. where Uniting have interests in support options)
- Disclose any conflicts of interest on an ongoing basis as they arise, in accordance with this policy

Below are some examples of a conflict of interest:

- An employee using Uniting resources, such as printing or photocopying facilities, to assist in the conduct of private business
- An employee taking a consumer to lunch, in circumstances where the employee also hopes to get a personal benefit from that consumer such as discounted goods or services
- An employee or a family member or close friend having a personal interest in a business which supplies goods or services to Uniting
- An employee acting based on personal friendship or personal animosity to advantage or disadvantage a fellow employee. If personal values are likely to impact on the proper performance of Uniting duties, then these can also lead to a conflict of interest. Either a positive or negative relationship can give rise to a conflict of interest

The offer of a gift, benefit or hospitality to an employee may present a conflict of interest for that employee. Please refer to the **Gifts, Benefits and Hospitality Policy**.

Declaring Private Interests

Uniting will ensure:

- That the Board, Committee Members, Chief Executive and the Executive, will be required to complete a **Declaration of Interests Form** and annually report any conflicts on **the Conflict of Interest Declaration form** by 31 March each year

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- That employees are aware that false declarations made in the **Declaration of Interests Form** may result in disciplinary action against the employee
- Any disclosures of conflict of interest will be handled in accordance with the **Privacy Policy**
- Employees who are aware of a real or perceived conflict of interest of another employee to bring this conflict to the notice of their supervisor or next level manager, or in the case of the Chief Executive, to the Board.
- Employees who are in doubt about whether they have an actual or potential conflict of interest requiring disclosure to bring the matter to the attention of their Executive, or in the case of the Chief Executive, to the Board.
- Managers who are responsible for complying with this policy with respect to their own conflicts and potential conflicts of interest will facilitate the compliance of those they supervise, by:
 - Being aware if the risks of conflicts inherent in the work of employees they manage
 - Ensuring awareness of relevant policies and procedures
 - Advising employees about appropriate ways to manage conflicts
 - Recording receipt of disclosures of conflicts reported to them on a central register, and
 - Monitoring the work of employees and the risks to which they are exposed
- Executives to whom a disclosure is made, or the Board, undertake an evaluation of the potential conflict of interest situation. Following this evaluation, the Executive or the Board concludes that either:
- No conflict of interest arises, and no further action is necessary; or a conflict of interest arises and take appropriate action necessary to deal with the conflict
- Where a conflict of interest is deemed to exist, the relevant employee will be advised in writing. Potential courses of action include:
 - Placing restrictions on the employee's involvement in the matter
 - Appoint a neutral third party to oversee part or all the process that deals with the matter
 - Make arrangements so that the employee does not participate at all in the matter
 - Confirm that the employee has relinquished the private interest concerned, or
 - The employee steps down from the position they hold on a temporary or permanent basis
- If the employee is aggrieved by the decision, he/she has a right to invoke the grievance procedure relevant to the industrial instrument governing that employee's terms and conditions of employment or in the absence of one, Uniting's **Workplace Issues Resolution Protocol**.

- False declarations made in the Declarations and Interests Form may result in disciplinary action against the employee.

Uniting may make changes to this policy from time to time to improve the effectiveness of its operation.

Uniting may commence disciplinary action if an employee breaches this policy. Depending on the nature and impact of the breach, legal action may also be pursued.

Responsibility	<ul style="list-style-type: none"> • The Board (or the delegated Board Committee) is responsible for approving this policy, any changes to it and overseeing compliance with this policy • Management are responsible for ensuring that policies are operating effectively and being adhered to • In the first quarter of each financial year management will report to the Board regarding adherence to approved policies and any required improvement plans
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2. Definitions

Term	Meaning
Conflict of Interest	Conflicts of interest are conflicts between fiduciary or contractual duties and private interests. These can be actual, potential or perceived. A conflict of interest can arise from avoiding personal losses, as well as gaining personal advantage — whether financial or otherwise.
Non-Pecuniary Interest	Interests that do not have a financial component. They may arise from personal or family relationships, or involvement in sporting, social or cultural activities. They include any tendency toward favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group.
Pecuniary Interest	Involve an actual, potential or perceived financial gain or loss. Money does not need to change hands for an interest to be pecuniary. People have a pecuniary interest if they (or a relative, or a close associate) own property, hold shares, have a

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Term	Meaning
	position in a company bidding for government work, or receive benefits such as concessions, discounts, gifts or hospitality from a particular source.
Perceived Conflict of Interest	A perceived conflict of interest can exist where a third party could form the view that an employee's private interest could improperly influence the performance of their duties, now or in the future.
Potential Conflict of Interest	A potential conflict of interest arises where a Board or Board Sub-committee member or an employee has private interests that could conflict with their fiduciary or contractual duties.
Private Interest	An 'interest' in this context means anything that can have an impact on an individual or group. The term 'private interests' includes not only an employee's own personal, professional or business interests, but also the personal, professional or business interests of individuals or groups with whom they are closely associated. This can include relatives, friends or even rivals and enemies. Private interests can be divided into two types: pecuniary and non-pecuniary.
Employee	All people performing paid and unpaid work on behalf of Uniting including employees, contractors, volunteers, temporary or agency employees and people on work experience.
Supervisor	A person holding a supervisory position, which is directly or indirectly responsible for the supervision and/or oversight of employees.

3. Related Legislation/Regulations

Public Administration Act 2004

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Privacy Act 1988 (Cth)
 NDIS Quality & Safeguarding Framework

4. Related Documents

Code of Conduct
 Conflict of Interest Guidelines for NDIS
 Declaration of Interest form
 Conflict of Interest Declaration form
 Gifts, Benefits & Hospitality Policy
 Workplace Issues Resolution Protocol
 Privacy Policy

Revision Record			
Version	Date	Document Writer	Revision Description
1.0	19/05/2017	Project Manager	Final
1.1	01/10/2019	Compliance & Policy team	Review and updates
1.2	03/12/2019	Compliance & Policy team	Minor update to reflect NDIS requirements
1.3	29/01/2020	Compliance & Policy team	Feedback from Head of Corporate & Financial Services
1.4	16/09/2020	General Manager Quality & Compliance	Minor updates for Audit & Risk Committee
2.0	28/09/2020	General Manager, Quality & Compliance	Approved at ARC.

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