



# Conflict of Interest Policy

Document number: *PO2022-003*

## Approval

Policy owner	Company Secretary		
Approved by	Board of Directors and State Council		
Date approved	09.02.2022 (Board) & 19.02.2022 (State Council)	Review date	19.02.2025

## Purpose

1. The St Vincent de Paul Society NSW (the Society) has developed this Policy and attached Procedures to:
  - maintain appropriate standards of conduct for all Society Personnel (members, volunteers, employees and office holders)
  - protect, and enhance the integrity of the Society
  - ensure that Society Personnel effectively identify, disclose and manage any Actual, Perceived or Potential conflicts of interest in the performance of their duties for the Society.

## Scope

2. This policy applies to all Society Personnel including all members, volunteers, employees and office holders.

## Related policies and procedures

3. Related policies and procedures include:
  - The Rule
  - Code of Conduct
  - Managing Fraud and Dishonest Behaviour Policy
  - Managing Misconduct Policy
  - Privacy Policy
  - Procurement Policy
  - Records Management Policy
  - Whistleblower Policy
  - St Vincent de Paul Society NSW Constitution.

## Policy principles

4. A conflict of interest occurs when the personal interests of Society Personnel conflict with their official duties and responsibilities to the Society. In the case of Directors and Officers, this includes a requirement to act in the best interest of the company. In the case of Trustees this includes a requirement to act in the best interest of the Society.
5. Personal interests include direct interests as well as the interests of family, friends, or other organisations a person may be involved with or in which they have an interest.
6. An organisational conflict of interest occurs when an interest of the Society conflicts with another of the Society's interests. The Society will manage organisational conflicts of interest in accordance with this policy, governing documents and relevant laws.
7. A conflict of interest may be Actual, Potential or Perceived and may be financial or non-financial.
8. Actual, Potential or Perceived conflicts of interest should be raised as soon as possible.

9. The primary test to identify whether a conflict of interest may exist is whether an individual or the organisation could, or could appear to be, influenced by another interest in carrying out the duties and responsibilities of their role.
10. The Society acknowledges that conflicts of interest are common and may not present a problem so long as they are openly disclosed and effectively managed.
11. The Society requires Society Personnel to:
  - avoid conflicts of interest where possible
  - identify and disclose any conflicts of interest
  - carefully manage any conflicts of interest
  - follow this policy and procedures and respond to any breaches.
12. Society Personnel should raise any conflict of interest with their immediate supervisor, or Council President. The immediate supervisor or Council President must work with the Society Personnel to identify an appropriate risk management strategy in dealing with the conflict of interest, which may include:
  - removing the Society Personnel from participating or being involved in any matters related to the subject of the conflict of interest
  - adjustment and/or reassignment of duties, line-management, delegations, or decision making related to the conflict of interest
  - removing or limiting access to information related to the conflict of interest (this may include case notes, personnel files, procurement or tender documents, or any other relevant files)
  - recruiting a third party to provide advice (such as a probity adviser, lawyer or governance expert) in accordance with delegations of authority
  - relinquishing the private interest or resigning
13. The Society considers secondary employment in a related field to be a potential conflict of interest for Society Employees. Permanent Full-time Employees who have or wish to engage in secondary employment must declare their other employment and must obtain approval from the responsible Executive Director following an assessment by the Executive Director of any potential conflict of interest.
14. The Society recognises that casual and part-time employees may have secondary employment. A casual or part-time employee with secondary employment should discuss with their manager whether there may be a perceived or potential conflict of interest which warrants declaring.
15. The Society recognises it may have an organisational conflict of interest when providing multiple services to a single NDIS participant. Society Personnel must encourage NDIS participants to exercise choice and control in relation to their NDIS plans. Society personnel must ensure that any NDIS participants accessing multiple services have individual service agreements for each service provided and that a participant's choice to establish or discontinue a service agreement will not have bearing on their other agreement/s.
16. Society Personnel must ensure that NDIS participants are supported to understand where the Society has an interest in any secondary supports which are being offered, and to understand

that any choice they make about providers of other supports will not impact on the provision of any supports currently provided.

## Roles and responsibilities

17. Society Personnel must:

- comply with this policy
- act in the best interests of the Society, and in accordance with the Society's governing documents, policies and procedures
- not inappropriately request or use information attained through their position in the Society to gain benefit for themselves or others or to cause disadvantage to the Society
- avoid conflicts of interest where possible
- identify, disclose and manage Actual, Potential or Perceived ethical, legal, financial or other conflicts of interest
- remove themselves from decision-making or involvement in matters in relation to which they have a material conflict of interest which cannot be otherwise managed
- terminate or suspend (as appropriate) their relationship with the Society where a conflict of interest is significant and may be ongoing, and immediately irreconcilable.

18. In addition, office holders must:

- identify and disclose any Actual, Perceived or Potential conflicts of interest prior to (where possible) or at the commencement of each meeting of a Society governing body. For the avoidance of doubt and subject to the relevant governing documents and laws, this can occur through a standing declaration that is noted at each meeting and updated if required
- discuss with their Chairperson or the Society's Company Secretary if they are unsure whether a personal conflict of interest exists
- raise any undisclosed conflicts of interest of which they become aware with their Chairperson (or the Company Secretary) who will manage the conflict in accordance with the relevant governing documents and laws.

19. In addition, State Council members, Directors and Officers of the Company must:

- submit an Annual Disclosure of Interest Statement (Attachment B) to the Company Secretary by 30 June each year.

## Review

20. This policy and its implementation will be reviewed every three years, or as required to align with legislative or practice changes.

## Further assistance

21. Society Personnel should speak with their manager regarding any questions about the implementation of this policy.
22. Feedback regarding the implementation of this policy can be provided to the Company Secretary.

## References

23. Legislation, regulations or other instruments relevant to this policy include:

- Australian Charities and Not-for-Profits Commission Governance Standards
- *Corporations Act 2001* (Cth)

## Approval and amendment history

Version	Approval authority	Date	Amendment summary
Doc # 1	Chief Financial Officer	November 2011	NA
Doc # 2	Chief Financial Officer	August 2015	NA
Doc # PO2019-003	Board of Directors State Council	07 August 2019 14 August 2019	Update and reformatting into new policy template. Incorporation of NDIS conflict of interest requirements.
Doc # PO2019-003 Version 2	Executive Director Corporate Services	27 July 2020	Update policy ownership to align with organisational structure changes.
Doc # PO2022-003	Board of Directors State Council	09 February 2022 19 February 2022	Policy update and removal of conflict of interest requirements for LAC program which are no longer relevant to the Society.

## Appendix 1: Definitions

24. Relevant definitions include:

Term	Definition
<p><b>Conflicts of interest:</b></p> <p style="padding-left: 40px;"><b>Actual</b></p> <p style="padding-left: 40px;"><b>Potential</b></p> <p style="padding-left: 40px;"><b>Perceived</b></p>	<p>Where there is a direct conflict of interest between the private interests of an individual and the performance of their official duties and responsibilities.</p> <p>Where a person has private interests that could interfere with the performance of their official duties and responsibilities in the future.</p> <p>Where it might appear to others that a person’s private interest could inappropriately influence the performance of official duties and responsibilities, whether or not this is in fact the case.</p>
<b>Director</b>	A Director of the company St Vincent de Paul Society NSW.
<b>Financial interest</b>	Any interests a person has related to the potential for financial gain or loss to themselves or another person with whom the person is associated.
<b>Manager</b>	The Society member, volunteer, employee, or office holder responsible for the supervision of members, volunteers, employees or office holders.
<b>Non-financial interest</b>	Any private interest arising out of kinship, friendship, membership or involvement or interest in an activity that does not relate to potential financial gain.
<b>Office holder</b>	A Conference President, Regional President, Central Council President, State Council member or Director.
<b>Personal interest</b>	Includes direct interests, as well as those of family, friends, or other organisations a person may be involved with or have an interest in.
<b>Personnel</b>	Any person (or group of people) engaged by the Society to assist in its works. This includes members, volunteers, employees, contractors, consultants, office holders and Directors.
<b>President</b>	Means the President of the relevant Conference or Council to which the Society Personnel reports.

## Appendix 2: Conflict of Interest procedures

### Declaring a conflict of interest

1. Society Personnel must discuss their conflict of interest with their manager. If the Society Personnel does not believe it to be appropriate to discuss with their Manager, they must discuss with to the next level Manager, the Company Secretary or the Company Secretary's delegate.
2. Complete a [Disclosure of Interest Statement Webform](#) (or print friendly version at Attachment A).
3. The completed [Disclosure of Interest Statement](#) must be forwarded to the Company Secretary at [CompanySecretary@vinnies.org.au](mailto:CompanySecretary@vinnies.org.au).
4. The Company Secretary will maintain a Register of Interests and will make the Register available to the Governance, Risk and Nominations Committee as and when required.
5. Records of declared conflicts of interest must be retained and destroyed according to the Records Management Policy.

### Managing a conflict of interest

6. All Society Personnel are responsible for identifying, disclosing, and resolving conflicts of interest.
7. Managers are responsible for working with Society Personnel to develop an appropriate strategy to manage any conflict of interest. Procedures to address the conflict should be commensurate with the associated risk. Managers should contact the Company Secretary or their delegate if they require support or advice in developing a strategy.
8. The Company Secretary or their delegate will receive Conflicts of Interest notifications and review the effectiveness of management strategies, ensure they are included in the register of interests and will escalate any conflict of interest matters further within the Society as needed.

### Conflicts of interests relating to NDIS Participants

9. Society Personnel who are aware of an organisational conflict of interest relating to an NDIS participant must explain the Society's interest in any potential additional supports to the NDIS participant or their support person in the mode and style they best understand.
10. Society Personnel must explain to the participant or their support person in the mode and style they best understand that the participants choices regarding additional supports will not affect or influence in the provision of current supports.
11. NDIS participants should be asked to complete the Participant Attestation Form included in this policy (Attachment C), and the form should be retained on the participants file, in accordance with the Society's Records Management Policy. In circumstances where this is not appropriate it must be documented on the participants file the steps that were taken to explain the conflict of interest and the reason for not completing a written declaration.

## Conflicts of interest of office holders

12. The office holder is required to disclose the nature and extent of their interest and how this relates to the Society's affairs.
13. The Society governing body will then determine whether this interest amounts to a 'material personal interest'.
14. In deciding whether the interest is a 'material personal interest', the governing body will consider:
  - whether the conflict needs to be avoided or simply documented
  - the particular the role and responsibilities of the individual
  - whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
  - alternative options to manage the conflict.
15. Except where permitted by the relevant laws and governing documents, an office holder who has a material personal interest in a matter that is being considered at a meeting of a Society governing body:
  - must not be counted in a quorum relevant to that matter
  - must not vote on the matter
  - must not be present while the matter is being considered at the meeting.
16. State Council members and Directors must submit an Annual Disclosure of Interest Statement (Attachment B) to the Company Secretary by 30 June each year.

## Reporting undisclosed conflicts of interest

17. Should any Society Personnel become aware of an undisclosed conflict of interest, they should raise this matter immediately with their supervisor or supervising body in accordance with the process in clause 11 of this policy. If the matter concerns an immediate supervisor, they can also raise the matter with the Company Secretary.

## Confidentiality of disclosure

18. The Society will ensure that conflict of interest disclosures are protected from misuse and treated respectfully.

## Breaches of the Conflict of Interest Policy

19. If any Society Personnel fails to disclose a conflict of interest, the Society may initiate misconduct or other disciplinary proceedings against those concerned. These proceedings may result in caution, reprimand, adjustment in duties, suspension and/or termination of employment.



## Attachment A: Disclosure of Interest Statement

Please complete the [disclosure of interest Webform](#).

This form is only for use where the webform cannot be completed.

Section 1 Purpose			
The purpose of this form is to facilitate the reporting by Society Personnel of an actual, perceived, or potential conflict of interest.			
Section 2 Personal Details			
Name:		Email Address:	
Position Title:		Position Area/Region /Central Council	
Phone Number (w):		Phone Number (M)	
Section 3 Classification of conflicts of interest			
Please select whether the conflict of interest is financial or non- financial:			
<input type="checkbox"/> financial  <input type="checkbox"/> non- financial	<input type="checkbox"/> actual  <input type="checkbox"/> potential  <input type="checkbox"/> perceived	<input type="checkbox"/> organisational  <input type="checkbox"/> individual	
Section 4 Management of Conflicts of Interest			
Please describe the conflict of interest:			
Please indicate any steps you intend to take to manage this conflict of interest ( <i>If this is a financial interest, you must not be involved in consideration or discussion of the matter of interest</i> ):			
Please indicate any steps the Society will take to manage this conflict of interest:			
Section 5 Declaration			
I declare that the above information accurately reflects the actual, perceived or potential conflicts of interest, and I have discussed and agreed the management strategy above with my manager or President			
Name: _____ Signature: _____ Date: ____ / ____ / ____			

## Reverse side of Disclosure of Interest Statement

### Disclosure of Interest Statement and Privacy

The information provided in this document is collected in accordance with the requirements of the Society's Conflict of Interest Policy. These procedures provide for the disclosure of all material conflicts of interest by a member, volunteer, employee or office holder (Society Personnel). Failure to disclose may result in misconduct or other disciplinary proceedings.

### Financial Interests

Financial interests are any interests a person has related to the potential for financial gain or loss to themselves or another person with whom the person is associated.

### Non-financial Interests

Non-financial interests are any private interest arising out of kinship, friendship, membership or involvement or interest in an activity that does not relate to potential financial gain.

### Sensitive and Confidential Information

The Society will ensure that conflict of interest disclosures are protected from misuse and treated respectfully.

### Disclosure within the Society

The Company Secretary may disclose the information you provide to other Society Personnel, including the Head of Internal Audit, the Chief Executive Officer, the Chair of the Governance, Risk and Nominations Committee, the Chair of any governing bodies to which you are a member, your Manager, and any other person involved in the management of a conflict of interest.

### Retention of documents

This document and any copies will be held by the Company Secretary in accordance with the requirements of the Privacy Policy and Records Management Policy.

### What happens next?

Copies of all completed and signed Disclosure of Interest Statements must be forwarded as soon as possible to the Company Secretary (CompanySecretary@vinnies.org.au) who will keep a register of these interests.

## Attachment B: Annual Disclosure of Interest Statement

Please complete the [Annual Disclosure of Interest Statement Webform](#).

This form is only for use where the webform cannot be completed.

Section 1 Purpose			
The purpose of this form is to facilitate the annual reporting by State Council members, Directors, and office holders of any actual, perceived, or potential conflicts of interest.			
Section 2 Personal Details			
Name:		Email Address:	
Position Title:		Position Area/Region /Central Council	
Phone Number (w):		Phone Number (M)	
Section 3 Classification of interests for the next financial year			
Do you have any actual, perceived or potential interests to disclose?			
<input type="checkbox"/> No <input type="checkbox"/> Yes, Pecuniary (financial) <input type="checkbox"/> Yes, Non-pecuniary (non-financial)			
Section 4 Management of Conflicts of Interest			
If this is a financial interest, you must not be involved in consideration or discussion of the matter of interest. Please indicate how you intend to manage this conflict of interest.			
Pecuniary or Non-pecuniary	Potential, Perceived or Actual	Description of Interest	Management Plan
Section 5 Declaration			
I declare that:			
<ul style="list-style-type: none"> <li>• The above information accurately reflects the actual, perceived or potential conflicts of interest as at 30 June or date of signature</li> <li>• Should an actual, perceived or potential conflicts of interest arise in a meeting or otherwise I shall declare this to the Chairperson who will advise of an appropriate course of action to be followed</li> <li>• I will complete and submit a "Disclosure of Interest Statement" should an actual, perceived or potential conflict of interest be identified.</li> </ul>			
Name: _____ Signature: _____ Date: ____/____/____			

## Attachment C: Participant Attestation

The following attestation is to be completed by any Participant where it has been identified that the participant being supported by other St Vincent de Paul Society services (paid or unpaid). This is to be completed at the initiation of new Service Provision by St Vincent de Paul, or at any point where there is a change in Participant circumstances.

I, \_\_\_\_\_ of \_\_\_\_\_

am a Participant of the NDIS. My NDIS number is \_\_\_\_\_

1. I / or my nominee have been made aware that I am identified as also receiving the following supports from the St Vincent de Paul Society:

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2. I / or my nominee have been advised and understand that the new service/s I am requesting are also provided by St Vincent de Paul Society. I understand that the paid employees or volunteers will be supporting me are engaged by the St Vincent de Paul Society to supply the registered service and be paid by the NDIA.
3. I/or my nominee have been offered the presence of an objective third party at all meetings have opted:
  - Yes, I would like to have an objective third party present in my meetings and I will invite them.
  - No, I do not wish to have an objective third party present in my meetings but will advise if that changes.
4. I / or my nominee have been advised and understand that the Support Service employees or volunteers:
  - Have an obligation to be open and transparent in their dealing with me and their assistance in establishing NDIS Support
  - Must recommend or suggest services or providers, including or excluding recommending the Society's own services, that best meet my support needs

### Section 2 Declaration

I / or my nominee acknowledge that I am satisfied with the controls in place to ensure that my services are not compromised by any conflict of interest, and I agree to accept support from the following services:

Participant/Nominee Name:

Signature:

Date: