

## 9.0 Conflicts of Interest Policy

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### Policy Application

This Policy applies to employees and other workers.

### Policy Statement

HDC acknowledges its obligations under the State Services Code of Conduct (included as an appendix to this HR Manual) which requires its employees and other workers to act with impartiality and neutrality in carrying out its functions.

In order to ensure that these obligations are continually met, employees and other workers are required to disclose any personal interests that may compromise or appear to compromise HDC's impartiality and/or neutrality. To assist employees and other workers in fulfilling this requirement, this Policy provides an overview of:

- what may constitute a conflict of interest; and
- the process for declaring/appropriately managing conflicts of interest.

### Conflicts of interest

The following are examples (without limitation) of personal interests that may conflict with the interests of HDC:

- Outside employment or volunteer work.
- Outside business activities and/or obligations, including but not limited to shareholdings, directorships, honorary work, membership in a society, club or association, and/or trustee activities.
- Non-work related publications, presentations and/or speeches.
- Involvement in decision making processes at HDC, where that involvement may result in personal gain/benefit for an employee or other worker, or for someone that that employee or other worker has a close personal relationship with (including but not limited to spouses, partners and children). For example:
  - where an employee or other worker has a close personal relationship with another employee or other worker, involvement in any matter relevant to the terms and conditions of that person's employment or engagement at HDC (including but not limited to appointment, promotion, salary or performance review, or leave);
  - where an employee or other worker has a close personal relationship with a complainant or a provider, involvement in any matter that relates to that complainant or provider;
  - where an employee or other worker makes a complaint to HDC, involvement in any matter that relates to that complaint.

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Effective date:

Signature of the Health and Disability Commissioner:

Filed in X/HDC Policy Manual/HR Manual

- The receiving of gifts (either in the employee's or other worker's personal or professional capacity) where there is the potential for acceptance of the gift to suggest partiality/favoritism on behalf of HDC.
- Any other commitments, roles, positions, connections or involvements in decision making processes that may compromise or appear to compromise HDC's impartiality and/or neutrality in the course of carrying out its functions.

### **Process for disclosing conflicts of interest**

Employees and other workers must disclose to their Employing Manager, in writing, any personal interest that may conflict with HDC's interests. This disclosure must occur before an employee or other worker takes on any such personal interest, or as soon as they become aware that any such personal interest may already be held.

Employing Managers will consider disclosures of personal interests, and whether they conflict with HDC's interests, on a case by case basis. Where an Employing Manager:

- does not consider that a personal interest conflicts with HDC's interest, they will grant approval, in writing, for the employee or other worker to proceed with taking on the personal interest, or continuing to hold the personal interest; and
- considers that a personal interest conflicts with HDC's interests, they will consider whether the conflict can be appropriately managed by:
  - ensuring the matter is entered on the Conflicts and Declarations of Interest Register;
  - if necessary, imposing restrictions on the employee or other worker; and
  - if necessary, directing the employee or other worker to take certain actions.

Where an Employing Manager considers that the above steps would result in the conflict of interest being appropriately managed they will grant approval, in writing, for the employee or other worker to proceed with taking on the personal interest or continuing to hold the personal interest, will ensure that the matter is entered on the Conflicts and Declarations of Interest Register, and will action any restrictions/directions as are considered necessary.

Where an Employing Manager does not consider that the above steps would result in the conflict of interest being appropriately managed they will decline approval, in writing, and the employee or other worker will not be permitted to proceed with taking on the personal interest, or continuing to hold the personal interest.

An Employing Manager may consult the Associate Commissioner Legal and Strategic Relations in the course of undertaking the above process, and will notify the Associate Commissioner Legal and Strategic Relations of any potential conflict of interest identified, and the steps that will be taken to avoid that conflict arising. The Associate Commissioner Legal and Strategic Relations is responsible for entering the matter on the Conflicts and Declarations of Interest Register.

Employees and other workers are encouraged to contribute articles to professional journals and to speak to interested consumer or provider groups. For the avoidance of

doubt, if any such communication is or could be construed as representing or undermining the Commissioner's or HDC's position or opinion on any subject, or relates to the employee's or other worker's work, prior written approval must be obtained from their Employing Manager.

### **Process where disclosure of a personal interest relates to a particular complaint**

For the avoidance of doubt, an employee or other worker must disclose to their Employing Manager (in accordance with the process set out above) where they have a close personal relationship with a complainant or a provider (who has been complained about) and may be exposed to information relating to that complaint, or where they have made or are going to make a complaint to HDC themselves.

In the above circumstances an Employing Manager is likely to consider that a conflict of interest does exist. The Employing Manager will manage the conflict by noting the conflict on the file and by immediately informing the Complaints Assessment Manager, Associate Commissioner Investigations and/or the Associate Commissioner Legal and Strategic Relations (as appropriate, depending on the stage of the complaint), requesting that they:

- inform any employees and/or other workers handling the complaint that they are not to discuss the identity of the complainant/the complainant's connection with the employee or other worker with any other employee or other worker;
- personally sign out any communications between HDC and the parties in relation to the complaint;
- ensure that the employee or other worker to whom the complaint relates to is not in any way involved in the complaints assessment process, including (but not limited to) any decision making processes associated with the complaint;
- anonymise the complaint file on ECDS and on the exterior of the hard copy file, where this is considered necessary, and ensure that the employee or other worker to whom the complaint relates to cannot access that information;
- brief out, to an external provider, any interviews with the employee or other worker that may be necessary in the course of assessing the complaint (ie. in the context of an investigation); and
- inform the provider of the above steps, where this is considered necessary.

### **Additional process in relation to gifts**

Where an employee or other worker receives a gift in their professional capacity at HDC (and in addition to the process set out above), an Employing Manager will consider what action is necessary. As a general rule, all gifts must be entered on the Gifts Register, along with information about who originally received the gift and what has been or will be done with it. The Gift Register is maintained by the Finance Manager.

**Use of HDC name**

Employees and other workers are not permitted to use the official title of HDC or the Commissioner except in connection with legitimate HDC purposes. This is particularly important when the employee or other worker (or someone that they have a close personal relationship with) is receiving or seeking to access health or disability services.