

Conflict of Interest



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System: Governance

Responsible Person/s:

Directors
Managers/Team Leaders
All FCS's Employees, Contractors, and Volunteers

Purpose:

The purpose of this policy is to ensure FCS has mechanisms to guarantee personal interests of staff and volunteers do not impact on FCS's transparent decision making. In addition, this document provides guidelines as to how conflict of interest is managed.

Scope:

This Policy applies to all employees and volunteers in specifically to all directors and members of the Management Team Members and the Chief Executive Officer.

Policy Statement:

Actions and decisions taken at all levels at FCS need to be informed, objective and fair. A conflict of interest may affect the way a person acts, decisions they make, or the way they vote in group decisions. As such, conflicts of interest need to be identified and actions taken to ensure that personal or individual interests do not affect the organisation's services, activities or decisions. FCS recognizes the importance of dealing with conflict of interest at all levels in the organisation, in particular at Governance level. As for all FCS employees, and volunteers, Directors are required to disclose the nature of any actual or potential conflicts of interests between their role as a Director and any other personal, business or community roles held by themselves or family members.

Definitions:

Conflicts of interest arise from situations where the personal interests of an individual or group of individuals directly conflict with the best interests of the business, its employees or clients, or where the decisions or actions of individuals may be influenced by their personal interests rather than those of the organisation.

This could include situations in which:

- Close personal friends or family members are involved, such as decisions about employment, discipline or dismissal, service allocation or awarding of contracts;
- An individual or their close friends or family members may make a financial gain or gain some other form of advantages;
- An individual is involved with another organisation that is in a competitive relationship with our organisation and therefore may have access to our plans or financial information;

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- An individual personal value/ethical framework impact a participant’s ability to exercise choice and control.
- An individual is bound by prior agreements or allegiances to other individuals or agencies that require them to act in the interests of that person or agency or to take a particular position on an issue.

Note that a conflict of interest can be real and tangibly identified (i.e. closed known relationships between individuals) or perceived by stakeholders. Both instances will be treated as conflict of interest at FCS

FCS’s commitments:

FCS is committed to ensuring that personal or individual interests that conflict with the interests of the business are identified and managed so that they do not affect FCS’s services, activities or decisions making process.

Specifically, FCS will:

- Ensure the Directors and members of the Management Team lead by example in managing any arising conflict of interest.
- Ensure all employees understand and are aware of this policy.
- Apply transparency and consistency in the treatment of conflict of interest at all levels of the business with a “one process, three steps” applying to EVERYBODY.

Roles and responsibilities:

a) The business

- Ensure organisational or ethical values do not impede a participant’s right to choice and control.
- Manage, document and report on individual conflicts of interest as they arise.
- Ensure that advice to a participant about support options (including those not delivered directly) is transparent and promotes choice and control.

b) The Directors, Key personnel, Management, and employees

- Work actively to avoid or manage any conflict of interest.
- Record all reported conflicts of interest in a register of interest.
- Actively address any conflict of interest issues as they arise in a timely manner.

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Dealing with conflict of interest

a) Identifying conflict of interest

- It is the responsibility of FCS staff and volunteers to identify if and when they have a conflict of interest.
- FCS Employees and volunteers must declare any and all perceived or existing conflict of interest;
- Conflicts of interest have to be declared as they arise or no later than the next time employees or volunteers are on organisation premises.
- Conflicts of interest are then recorded with any subsequent changes in a conflict of interest register.
- In particular, employees and volunteers should continuously disclose their involvement with other organisation's, associations, businesses and other association to identify relationships which could potentially produce a conflict.
- All employees and volunteers are requested to identify potential and existing conflicts of interest when they join the organisation. It is their responsibility to disclose any further changes.

b) Registering conflict of interest

A general conflict of interest register as well as a Directors' Conflict of interest register are in place. Both registers are managed respectively by the Admin Team and the Board' Secretary.

c) Managing conflict of interest

- When a conflict of interest arises or stakeholders might have the impression that a conflict exists, employees must take the following steps:
 - Ensuring conflict has been disclosed internally.
 - Informing and disclosing to stakeholders as needed externally.
 - When necessary, treat conflict of interest as an incident and manage risks accordingly. This might include but will not be limited to:
 - Specifically tailored communication.
 - Meeting with parties involved.

Dealing with breaches

- Representatives of the organisation must not accept any offer of money, gifts, services or benefits that could cause them to act in a manner contrary to the interests of a participant.
- Representatives must have no financial or other personal interest that could directly or indirectly influence or compromise the choice of provider or provision of supports to a participant – this includes the obtaining or offering of any form of commission.

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a) All breaches must be treated as Incident

This includes registering those on the organisation Register as well as following procedures as described in the Incident Management policy and associated procedures

b) HR processes and conduct

If the conflict of interest has not been properly disclosed and present a substantial risk, the organisation might follow appropriate HR processes formal or informal and conduct of a full review of the employee's conduct in accordance with relevant policies and procedures.

c) Gifts and minor benefits

- Minor benefits are defined as small token of appreciation of a value lesser than \$50
- Those are not considered a breach of conflict of interest
- A minor benefit might be accepted by an employee only when all below conditions are met:
 - It is a one off occurrence.
 - If given for a specific reason (speaking engagement, religious or social events).
 - Disclosed to the organisation and recorded in the Gift register.

Related Documents:

Register of Interests
Conflict of interest Form
Incident Management Policy and associated procedures

References:

NDIS (Code of Conduct) Rules 2018 (Cth).
NDIS Terms of Business.
FCS Constitution
Employees' Handbook
Conflict of Interest Form
Conflict of interest Register
Gift Register
Australian Securities and Investment Commission (ASIC) <http://asic.gov.au/>
Australian Charities and Not-for-Profits Commission (ACNC) <http://www.acnc.gov.au/>
Australian Institute of Company Directors (AICD) <http://aicd.companydirectors.com.au/>

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Scheduled Review Date:

This policy will be reviewed as required, or within no later than five (5) years from date of authorisation.

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