

Conflict of Interest



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System: Governance

Responsible Person/s:

Directors

Managers/Team Leaders

All FCS's Employees, Contractors, and Volunteers

Purpose:

This policy ensures FCS has mechanisms in place to guarantee that staff and volunteers' personal interests do not impact FCS's transparent decision-making. In addition, it provides guidelines for identifying and addressing conflicts of interest.

Scope:

This Policy applies to all employees and volunteers, specifically to all directors, members of the Management Team, 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 how a person acts, their decisions, or how 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 recognises the importance of dealing with conflict of interest at all levels of the organisation, particularly at the governance level. As for all FCS employees and volunteers, Directors are required to disclose the nature of any actual or potential conflicts of interest 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 when the personal interests of an individual or group of individuals directly conflict with the best interests of the business, its employees, or clients, or when individuals' decisions or actions 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 advantage;
- 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 impacts 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 honest 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 decision-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 treating conflict of interest at all levels of the business with a "one process, three steps" applying to EVERYBODY.

Roles and responsibilities:

a) The business

- Ensures organisational or ethical values do not impede a participant's right to choice and control.
- Manages, documents and reports on individual conflicts of interest as they arise.
- Ensures that advice to a client/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

- FCS staff and volunteers are responsible for identifying when they have a conflict of interest.
- FCS Employees and volunteers must declare any perceived or existing conflicts of interest.
- Conflicts of interest must 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 the “Conflict of interest register”.
- Employees and volunteers must continuously disclose their involvement with other organisations, associations, businesses, and associations to identify relationships that 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 and a Directors’ Conflict of interest register are in place. The Admin Team and the Board’s secretary manage both registers. If appropriate, a common register might be used.

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 a participant's interests.
- Representatives must have no financial or other personal interest that could directly or indirectly influence or compromise a participant's choice of provider or provision of support—this includes obtaining or offering 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 presents a substantial risk, the organisation might follow appropriate HR processes, formal or informal, and conduct 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 tokens 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.

Authorisation:

[Initially Approved by directors on 31/01/2022

Reviewed and approved by Directors on 20/01/2025

Changes History

Date	Summary of changes	Responsible individual
19/09/2022	Update to the policy and change of formatting	Mickael Blanc
20/09/2022	Review	Jay Harrison
12/12/2024	Review suggested by NDIS auditor as part of best practice	Mickael Blanc
20/01/2025	Reviewed	Jay Harrison CEO

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