



Policy Name:	Conflict of Interest and Ethics Policy (Staff)	Policy Number:	ELP -036
Date Approved:	21st February, 2018	Approved By:	Management Committee
Date Issued:	22 nd February, 2018	Review Date:	21 st February, 2021

1. Aim

The purpose of this policy is to help Early Links Staff and Committee members to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the ethics and integrity of Early Links and manage risk.

Early Links will conform to all relevant legislation and statutory requirements. This document sets out the roles and responsibilities of Early Links staff, Managers and Committee members in implementing this policy.

Early Links aims to ensure that all staff are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of Early Links.

2. Scope

This policy applies to staff and Committee members of Early Links.

3. Policy

3.1 Definition of conflict of interest

A conflict of interest may be actual, potential or perceived and may be financial or non-financial. A conflict of interest occurs when personal interests of a person conflict with responsibilities to act in the best interests of Early Links. Personal interests include direct interests as well as those of family, friends, or other organisations a person may be involved with or have an interest in (for example, as a shareholder, worker, or Committee or management committee).

These situations present the risk that a person will make a decision based on, or affected by, external or personal influences, rather than in the best interests of Early Links and must be managed accordingly.

Early Links will manage conflicts of interest by requiring all staff to:

- avoid conflicts of interest where possible;
- identify and disclose any actual and potential conflicts of interest;
- carefully manage any conflicts of interest;
- respond in a timely manner to breaches; and

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- adhere to this policy.

Conflicts of interest commonly arise, and do not need to present a problem to Early Links if they are openly and effectively managed. It is the policy of Early Links as well as a responsibility of all staff including the Leadership team and the Committee, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to Early Links.

3.2 Managing a conflict of interest

Managing a conflict of interest has three main components:

1. Identification and disclosure of conflicts of interest;
2. Action required for management of conflicts of interest; and
3. Register the risk

3.2.1 Identification and disclosure of conflicts of interest

When a worker becomes aware of a conflict of interest they should disclose this to their immediate Manager. Early reporting allows for a swift resolution. A conflict may be actual, perceived or a potential conflict and it may be financial or non-financial. If not managed properly, either kind can be equally damaging to the reputation of the staff and Early Links.

It is the responsibility of the worker to consider their position at Early Links and disclose personal interests or relationships that could be perceived, by a reasonable person, to influence their actions. As the range of interests and relationships are infinite, to avoid any doubt speak with your manager for guidance if you are unsure.

3.2.2 Action required for management of conflicts of interest

Where a conflict of interest, real or apparent, arises it will need to be managed. Appropriate management actions may include withdrawing from particular discussions, restricting the flow of information, abstaining from decisions, reassignment of duties, or relinquishing the interest or the position.

In deciding what approach to take, Early Links will consider –

- Whether the interest needs to be avoided or documented; and
- Whether the conflict will realistically impair the disclosing staff' capacity to impartiality.

Further Early Links will –

- Ensure all relevant parties participate and are involved in the decision making process;
- Consider alternative options to avoid the conflict;
- Review the impact on the values and objectives of Early Links;
- Consider the possibility of creating an appearance of improper conduct that impairs confidence of the reputation of Early Links.

3.2.3 Register the risk

Once an actual, potential or perceived conflict of interest is identified, it must be entered into the Early Links Conflict of Interest Register - Staff. The nature of the risk will dictate if it will be raised with the Committee, as determined by the General Manager and leadership team where necessary. The Conflict of Interest Register must be maintained by the General Manager or delegate, and record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

3.3 Conflict of Interest related to the provision of support to families

Early Links will act in the best interests of families receiving supports, ensuring that they are informed, empowered and able to maximise choice and control.

Early Links will not constrain, influence or direct decision making by a person with a disability and/or their family so as to limit that person's access to information, opportunities and choice and control.

3.3.1 Actions to manage actual or perceived conflicts

Early Links will proactively manage perceived and actual conflicts of interest, including through development and maintenance of organisational policies. Early Links will:

- ensure our organisational or ethical values do not impede a participant's right to choice and control by:
 - being family centred and actively asking questions to establish family priorities for service provision
 - provide accessible information about evidence based practice
 - be transparent about our organisational values
- manage, document and report on individual conflicts as they arise, by:
 - having and documenting conversations with parent/carers about their choice of service providers
 - registering any perceived or real conflicts of interest
 - discussing any conflict of interest with a family
 - having clearly defined goals and outcomes for each support type that a parent/carer may choose to access from Early Links
 - providing parent/carers with information about the Feedback and Complaints Policy and process
- ensure that advice to a family about support options (including those not delivered directly by Early Links) is transparent and promotes choice and control. We will do this by:
 - providing transparent information to parent/carers at all stages of engagement and support including before an Agreement of Service is signed
 - encouraging parent/carers to explore other support options that may be closer to them and which may reduce their travel costs
 - supporting parent/carers to know the questions to ask that may assist them to choose a service option best suited to their needs

- offer to show families the NDIS website and how to use it to find out about alternative support options
- encouraging parents/carers to bring along an advocate or informal support to any meetings

Early Links will ensure that all participants are treated equally, and that no family is given preferential treatment above another in the receipt or provision of supports.

Early Links will abide by any NDIA Operational Guidelines or pricing arrangements and guidelines, as updated from time to time to manage conflicts of interest in cases where: there is heightened risk to the participant, due to either the vulnerability of the participant, or the scope and magnitude of supports.

3.3.2 Advocacy/legal advice/independent support

Early Links welcomes the inclusion of support for families which is external to the organisation, to assist families in their interactions with Early Links. Assistance may be provided by a friend, family member, staff member, translator, advocate or anyone else who is acceptable to the family / person. Where necessary, Early Links will offer assistance to a family by making a referral to an advocacy service with the consent of the family.

3.4 Conflicts of Interest related to staff

3.4.1 Nepotism and personal relationships

In carrying out their duties, staff may find themselves in situations where a decision has to be made that would directly affect a person with whom the decision-maker has a relationship, or has had a relationship in the past, whether it be a family member or personal relationship. Staff should notify their manager if they are placed in a position where their decision could impact, either positively or negatively, on relatives, partners or friends.

3.4.2 Gifts

Acceptance of a gift or benefit that is connected with a worker's employment can create a real or apparent conflict of interest that should be avoided. At the extreme, it could be perceived as a bribe. It is not possible to establish definitive rules about accepting gifts or benefits, as the appropriate course of action will depend on the circumstances of the offer and the roles and responsibilities of the worker. It is suggested when deciding whether to accept a gift or benefit, a worker is advised to discuss the matter with their manager or supervisor.

Early Links staff will not accept any offer of money, gifts, services or benefits that would cause them to act in a manner contrary to the interests of the participant. Further, Early Links will ensure that staff will not have any financial or other personal interest that could directly or indirectly influence or compromise the choice of provider or provision of supports to a family. This includes the obtaining or offering of any form of commission.

3.4.3 Hospitality and entertainment

The nature of Early Links and its relationship with external clients and stakeholders is such that staff, particularly at senior levels, may deal with senior business representatives. Such interactions may offer gifts and hospitality, where staff are required to make balanced judgements of acceptance. Consideration should be given to the integrity, both of Early Links and the worker, and risk acceptance would create. When in doubt discuss the situation with a manager.

3.4.4 Outside employment

Outside employment includes paid work, such as running a business, maintaining a professional practice as well as unpaid work. Generally, staff are able to work outside Early Links if it does not conflict with their official duties. If a worker is inclined to accept an offer of outside employment they should notify their manager so that the risks can be assessed. In deciding whether it is appropriate for a worker to engage in outside employment, a balance needs to be struck between the interests of Early Links and those of the worker. However, the overriding principle is the need to maintain confidence in the integrity of Early Links.

Staff seeking paid work to supplement their part time or reduced hours at Early Links are encouraged to speak with their manager in the first instance as additional hours may be offered, mitigating the need to seek outside employment.

Outside employment that would not otherwise be appropriate is not made acceptable by being undertaken during a period of leave, whether the leave is unpaid or paid and including annual/recreation and long service leave.

3.4.5 Post-employment conflicts of interest

There are three key risks involved when a worker accepts employment in a field that is aligned to their Early Links responsibilities:

1. that the worker, while still employed by Early Links, would use their position to influence decisions and advice in favour of the prospective new employer;
2. that the worker would reveal confidential information to their new employer or provide other information that would give the new employer an advantage in its business dealings; and
3. that the worker would exploit their knowledge of Early Links, or otherwise seek advantage, for their new employer. There may be a perception that the former worker will have a greater ability to influence their former colleagues in their decision-making.

If a worker accepts an offer of employment they should immediately speak with their manager to understand if there are any risks. To avoid or mitigate risks during a worker's notice period Early Links may re-allocate duties, temporarily move the worker to an area of the business where there is no conflict of interest, or discuss leave options.

It is expected that all staff will be ethical and respectful of their employment with Early Links, in particular, in restricting sharing of knowledge with future employers and competitors.

3.4.6 Confidentiality of disclosures

Committee members and the General Manager will have access to the information disclosed. Other Early Links staff may be informed about particular disclosures of conflicts of interest where it

is relevant to their role or responsibilities. A decision for such disclosure will be discussed at a Committee meeting.

3.5 Compliance with this policy

If Early Links has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interest, Early Links may take action in line with the Staff Performance, Support and Management Policy.

If a person suspects another has failed to disclose a conflict of interest, they must:

- discuss it with their immediate manager; and
- where relevant notify the General Manager or Committee Secretary

4. Persons Responsible

All employees are responsible for:

- Knowledge and understanding of this policy
- Compliance with all Early Links policies and procedures and legislative requirements
- Registering any conflicts of interest

General Manager is responsible for:

- Ensuring the implementation of efficient and effective procedures and systems to ensure the implementation of this policy
- Communicating matters to the Committee as required by this policy

The Committee is responsible for:

- Establishing a system for identifying, disclosing and managing conflicts of interest across Early Links
- Monitoring compliance with this policy, and
- Reviewing this policy on an annual basis to ensure that the policy is operating effectively.

5. References

Corporate Governance Principles and Recommendations ASX Corporate Governance Council
'It's Your Business' NSW Department of Ageing, Disability and Home Care
Associations Incorporation Act 2009
Australian Charities and Not-for-profits Commission (ACNC) governance standards
Privacy Act 1988 (Cth)
Privacy and Personal Information Protection Act 1998 (NSW)
Disability Inclusion Act 2014

NSW Disability Service Standards

Standard 1 – Rights

6. Definitions

Early Links – all Early Links Incorporated services and programs

Committee of Management – the governing body of Early Links, comprised of elected or appointed members who jointly oversee the activities and legal responsibilities of the organisation

Manager – refers to the General Manager/Operations Manager/Program Manager, whichever is relevant in the context of the situation

Family – refers to the parents/caregivers of the children or young people that receive support from Early Links

Conflict of interest – situations where a conflict arises between public duty and private interest which could influence the performance of official duties and responsibilities

Ethics - The basic concepts and fundamental principles of right human conduct. It includes study of universal values such as the essential equality of all men and women, human or natural rights, obedience to the law of land, concern for health and safety and, increasingly, also for the natural environment.

Nepotism – Practice of appointing relatives and friends in one's organization to positions for which outsiders might be better qualified.

Confidentiality - "ensuring that information is accessible only to those authorized to have access and is protected throughout its lifecycle ". Confidentiality is an important principle in business because it functions to impose a boundary on the amount of personal information and data that can be disclosed without consent.

Due diligence – the degree of care and caution required by the circumstances of a person

Fiduciary duty – the highest standard of care imposed at either equity or law. The duty of caring for another's money.

Governance – is the legal authority of a Committee to establish and be accountable for policies that will affect the life and work of the organisation.

Risk – the likelihood and consequence of something happening that will have an impact on objectives

Risk management – the process of identifying, assessing and judging risks, assigning ownership, taking actions to mitigate or anticipate them, and monitoring and reviewing progress

Duty of care – the obligation to take reasonable care to avoid causing harm to another person

Financial interests – financial or other material benefits or costs. Also referred to as pecuniary interests.

Non-financial interests – political, religious, recreational, family or other interests. Also referred to as non-pecuniary interests.

Values – the core principles that guide an organisation's service delivery and management

Worker – anyone who is carrying out work, in any capacity, for Early Links. This includes staff, contractors/subcontractors and their staff, labour hire staff engaged to work in the organisation, outstaff, apprentices, trainees, students on work experience and volunteers

This policy must be read in conjunction with the policies and procedures which supports this policy:

Confidentiality Policy	ELO-044
Privacy Policy	ELO-022
Cultural Safety Policy	ELP-035
Staff Handbook	
Social Networking Usage Policy	ELO-016
Technology Usage Policy	ELO-020
Feedback & Complaints Policy	ELO-010
Conflict of Interest Register	
Social Networking Usage Policy	ELO-016

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