

Conflict of Interest Policy & Procedures

Purpose

The purpose of this policy and procedure is to outline how AMPARO Advocacy identifies, approaches, and manages conflicts of interest related to service delivery, management, and governance of the organisation.

Scope

- The Conflict-of-Interest policy and procedure applies to all paid and unpaid staff, students, management committee members, and contractors (hereinafter referred to as 'staff and associates').
- The Conflict-of-Interest policy and procedure applies to all activities undertaken by AMPARO Advocacy in terms of service delivery, management, and governance of the organisation.

Policy Statement

AMPARAO Advocacy is committed to ensuring that personal or individual interests that conflict with the interests of the organisation are identified and managed so that they do not affect the activities, or decisions of the organisation.

Conflict of interest can occur where the personal interests of an individual or group of individuals directly conflict with the best interests of AMPARO, our members, or the individuals with whom we work, or where the decisions or actions of individuals may be influenced by their personal interests rather than those of the organisation.

This will 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;
- 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.

Conflict of interest has the potential to damage AMPARO's reputation and community standing. Actions and decisions taken at all levels in AMPARO 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. Conflicts of interest need to be identified and action taken to ensure that personal or individual interests do not affect the organisation's services, activities, or decisions.

Declaration and management of conflicts of interest are specifically required for Management Committee Members as part of their legal responsibilities.

AMPARO Advocacy aims to identify and manage conflicts of interest to ensure:

- Open, transparent, and ethical decision-making processes;
- Culture of responsible disclosure of all potential conflicts;
- Evaluation of all new activities, alliances, and partnerships to discuss any real or perceived risks to the effectiveness of advocacy efforts at an individual and systemic level.

Procedure/s

Declaration of interests

All staff and associates are required to declare any potential or actual conflicts of interest they are aware of by immediately raising the conflict with the Manager or President.

To assist in identifying conflicts of interest at AMPARO, decision making tools outlined in the ['Managing Conflicts of Interest Toolkit'](#) should be followed.

Managing conflicts of interest

- If a staff member or associate believes they have a conflict of interest in a matter that requires a decision to be made, they should disclose their personal interest at a staff meeting or Management Committee Meeting. For example, if the organisation is deciding whether or not to fund an all-expenses-paid trip for a young person to attend a conference and the person is a son or daughter of a Management Committee Member or an employee, the employee or Management Committee Member must declare the conflict of interest.
- When a Management Committee member, volunteer or employee declares a potential or real conflict of interest, the disclosure should be recorded in the minutes of the staff meeting/Management Committee Meeting and added to the Conflict of Interest Register by the Manager.

- If the Management Committee considers that a perceived or potential conflict of interest is a minor issue, the organisation may decide that disclosure and registering the conflict of interest is a sufficient course of action.
- If the Management Committee considers that a conflict of interest is significant, the person who has the conflict will be required to remove themselves from all discussions and decisions being made regarding the matter. The person will not be posted any internal papers or be involved in any discussion about the matter.
- If in doubt about how to handle a real or potential conflict of interest, the Management Committee may seek legal advice.
- If it is impossible to manage the potential or real conflict of interest, that person may consider resigning from the Management Committee or the organisation.
- Depending on the seriousness of the conflict of interest, and in keeping with the Code of Conduct, the Manager has the option to seek termination of a staff member or associate if the conflict cannot be managed appropriately.
- Depending on the seriousness of the conflict of interest, the Management Committee have the option to seek the resignation or removal from office of the Management Committee Member at a General Meeting of the Association. The member will be removed from office if the majority of the members present at the meeting vote in favour of this. (see Constitution Rule 15).

Breaches of the policy and procedure

Breaches of the Conflict-of-Interest policy and procedures will be managed in accordance with AMPARO's Constitution, Compliments, Complaints & Feedback and Staff Grievances policy and procedures.

Record Keeping

The Conflicts of Interest Register will be maintained by the Manager, with all perceived, potential, and actual conflicts recorded in the register. The register will be maintained in accordance with Privacy, Dignity and Confidentiality and Record Keeping policies and procedures.

Accessing the Conflict-of-Interest Register

All persons wishing to access the Conflict-of-Interest Register should complete the 'Request to Access Public Documents.'

The Conflict-of-Interest Register should be made available within 21 days of request, unless there are special circumstances that exist, or the applicant has been denied. Applicants will be informed of a decision in writing.

Roles & Responsibilities

Role	Responsibility
Staff Students Volunteers Contractors	Being aware of obligation to avoid, where possible, conflicts of interest and manage those that can not be avoided. Disclose conflicts of interest to the Manager. Comply with conflict-of-interest policy and procedure.
Manager	Those responsibilities listed above, and; Maintain conflict of interest register in accordance with relevant policies and procedures; Manage identified conflicts of interest; Monitor the work environment to ensure policy and procedures are followed; Provide training and development related to conflict of interest; Investigate allegations of non-disclosure.
Board Members	Those responsibilities listed above, and; Provide oversight to policy and procedure implementation; Declare and manage conflicts in keeping with legislation. Report breaches to external agencies where applicable.

Definitions

- Charter – written document outlining the rights, responsibilities, and requirements of the management committee.
- Constitution – a body of fundamental principles and/or established precedents according to which an organisation is acknowledged to be governed.
- Conflict of Interest – occurs when an individual's personal interests – family, friendships, financial or social factors – could compromise their judgement, decisions, or actions.
Conflicts of interest can be actual, perceived, or potential.
 - Actual – involves a direct conflict between current duties and responsibilities and existing private interests;
 - Perceived – conflict exists where it could be perceived or appear as though private interests could or have influenced duties or decisions, regardless of if this is in fact the case;
 - Potential – arises where private interests could conflict with duties or decisions in the future.

Legislation & Relevant Standards

- AMPARO's Constitution
- *Association Incorporations Act 1981* (Qld)
- *Information Privacy Act 2009*
- *Privacy Act 1988*
- *Privacy Amendment (Enhancing Privacy Protection) Act 2012*
- *Privacy Amendment (Notifiable Data Breaches) Act 2017*
- *Right to Information Act 2009*
- The Australian Privacy Principles 2012

Related Documents, Forms, and/or Registers

2.03a Conflict of Interest Register

Conflict of Interest Policy	Version 6.1
Date created: June 2007	Date last reviewed: March 24
	Date next review due: March 25

HSQF Standards & Indicators

Standard	Indicator
1 - Governance and Management	1.1 The organisation has accountable and transparent governance requirements that ensure compliance with relevant legislation, regulations, and contractual arrangements.
	1.4 The organisation's management systems are clearly defined, documented, and monitored and (where appropriate) communicated including finance, assets, and risk.
	1.7 The organisation has effective information management systems that maintain appropriate controls of privacy and confidentiality for stakeholders.
4 – Safety, Wellbeing and Rights	4.1 – The organisation provides services in a manner that upholds people's human and legal rights.
	4.2 - The organisation proactively prevents, identifies and responds to risks to the safety and wellbeing of people using services.
5 – Feedback, Complaints and Appeals	5.1 – The organisation has fair, accessible and accountable feedback, complaints, and appeals processes.
	5.2 - The organisation effectively communicates feedback, complaints and appeals processes to people using services and other relevant stakeholders.
	5.3 - People using services and other relevant stakeholders are informed of and enabled to access any external avenues or appropriate supports for feedback, complaints or appeals and assisted to understand how they access them.
	5.4 - The organisation demonstrates that feedback, complaints, and appeals processes lead to improvements within the service and that outcomes are communicated to relevant stakeholders.
6 – Human Resources	6.1 – The organisation has human resource management systems that are consistent with regulatory requirements, industrial relations legislation, work health and safety legislation and relevant agreements or awards.
	6.4 - The organisation provides ongoing support, supervision, feedback, and fair disciplinary processes for people working in the organisation.
	6.5 - The organisation ensures that people working in the organisation have access to fair and effective systems for dealing with grievances and disputes.

National Standards for Disability Services

Standard	Indicator
1 – Rights	1.1 The service, its staff and its volunteers treat individuals with dignity and respect
	1.9 The service keeps personal information confidential and private.
2 – Participation and Inclusion	2.4 Where appropriate, the service works with an individual's family, friends, carer, or advocate to promote community connection, inclusion, and participation.

4 – Feedback and Complaints	4.1 Individuals, families, friends, carers, and advocates are actively supported to provide feedback, make a complaint, or resolve a dispute without fear of adverse consequences.
	4.2 Feedback mechanisms including complaints resolution, and how to access independent support, advice & representation are clearly communicated to individuals, families, friends, carers, and advocates.
	4.3 Complaints are resolved together with the individual, family, friends, carer, or advocate in a proactive and timely manner.
	4.4 The service seeks and, in conjunction with individuals, families, friends, carers and advocates, reviews feedback on service provision and supports on a regular basis as part of continuous improvement.
	4.5 The service develops a culture of continuous improvement using compliments, feedback, and complaints to plan, deliver and review services for individuals and the community.
	4.6 The service effectively manages disputes.
5 – Service Access	5.1 The service systematically seeks and uses input from people with a disability, their families, friends, and carers to ensure access is fair and equal and transparent.
6 – Service Management	6.1 Frontline staff, management and governing bodies are suitably qualified, skilled, and supported.
	6.3 The service documents, monitors and effectively uses management systems including Work Health Safety, human resource management and financial management.
	6.7 The service uses person-centered approaches including the active involvement of people with disability, families, friends, carers, and advocates to review policies, practices, procedures, and service provision.