

# Conflict of Interest Policy

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<b>Approved by:</b>	<b>Michelle Winser</b>
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<b>Next Review Date:</b>	<b>10/19</b>
<b>Applies To:</b>	<b>All staff</b>

## 1. Preamble

1.1. The purpose of this policy is to help Destiny Rescue to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of Destiny Rescue and manage risk.

## 2. Purpose

2.1. The Destiny Rescue Board, including any committee of management or other governance structure, aims to ensure that the Board, Executive Team members, and all other 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 Destiny Rescue.

## 3. Scope

3.1. This policy applies to the Board, staff members, and volunteers.

## 4. Policy Statement

- 4.1. Destiny Rescue defines a conflict of interest as a situation in which a personal interest may interfere with a person's responsibility to act in the best interest of the charity. 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). It also includes a conflict between a Board member's duty to Destiny Rescue and another duty that the Board member has (for example, to another charity). A conflict of interest may be actual, potential or perceived and may be financial or non-financial.
  - 4.1.1. **Actual Conflict of Interest:** A direct conflict with your Destiny Rescue responsibilities, stemming from a personal or third party interest or obligation that affects your ability to make impartial decisions.
  - 4.1.2. **Potential Conflict of Interest:** A conflict with your Destiny Rescue responsibilities, stemming from a personal or third party interest or obligation, that could, in the future affect your ability to make impartial decisions.
  - 4.1.3. **Perceived Conflict of Interest:** A conflict where it could reasonably be perceived or give the appearance that a personal, third-party interest or obligation would affect your ability to make impartial decisions while carrying out Destiny Rescue responsibilities.
- 4.2. These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the charity and must be managed accordingly.
- 4.3. The board and staff are expected and required to disclose any and all perceived, potential, and actual conflicts of interest, that could affect their ability to operate impartially on behalf of Destiny Rescue.
  - 4.3.1. Staff are also required to disclose conflicts of interest that have already occurred.
- 4.4. It is the policy of Destiny Rescue as well as a responsibility of the Board & Executive Team, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not interfere with the obligations to Destiny Rescue.
- 4.5. Destiny Rescue will manage conflicts of interest by requiring all staff and board members to:
  - 4.5.1. avoid conflicts of interest where possible
  - 4.5.2. identify and disclose any conflicts of interest

- 4.5.3. carefully manage any conflicts of interest, and
- 4.5.4. follow this policy and respond to any breaches
- 4.6. The Board, CEO, and Compliance Officer are responsible for:
  - 4.6.1. establishing a system for identifying, disclosing and managing conflicts of interest across the charity
  - 4.6.2. monitoring compliance with this policy
  - 4.6.3. reviewing this policy on an annual basis to ensure that the policy is operating effectively.
  - 4.6.4. Updating the Register of Interests
- 4.7. The charity must ensure that its Board members are aware of the ACNC governance standards, particularly governance standard 5, and that they disclose any actual or perceived material conflicts of interests.
- 4.8. Once an actual, potential or perceived conflict of interest is identified, it must be entered into Destiny Rescue's Register of Interests, as well as being raised with the Board if deemed necessary. Where all of the other Board members share a conflict, the Board should refer to governance standard 5 to ensure that proper disclosure occurs. The Board Secretary and Compliance Officer must 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) in the Register of Interests.
- 4.9. Disclosures are to be treated as strictly confidential. Access to the Register is restricted to the Board Members, Compliance Officer, and CEO.
- 4.10. Where a conflict of interest has been appropriately disclosed by a Board member, the Board (excluding the Board member disclosing and any other conflicted Board member) must decide whether or not those conflicted Board members should:
  - 4.10.1. vote on the matter (this is a minimum),
  - 4.10.2. participate in any debate
  - 4.10.3. be present in the room during the debate and the voting
- 4.11. In exceptional circumstances, such as where a conflict is very significant or likely to prevent a Board member from regularly participating in discussions, it may be worth the Board considering whether it is appropriate for the person conflicted to resign from the Board.
- 4.12. Where an Executive Team member or another staff member is involved in a conflict of interest, the CEO and Compliance Officer should meet with the

member or staff to discuss the situation. In some cases, the Board may ask the involved member or staff to attend the next scheduled Board meeting to address the conflict. Executive Team and staff members have no voting power at such meetings.

- 4.13. In deciding what approach to take, the Board, CEO or Compliance Officer will consider:
  - 4.13.1. If the conflict needs to be avoided or simply documented
  - 4.13.2. If the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
  - 4.13.3. any alternative options to avoid the conflict
  - 4.13.4. the charity's objects and resources, and
  - 4.13.5. the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the charity.
- 4.14. Where the board is involved, the approval of any action requires the agreement of at least a majority of the Board (excluding any conflicted Board member/s) who are present and voting at the meeting. The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests.
- 4.15. If the Board has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.
- 4.16. If it is found that this person has failed to disclose a conflict of interest, Destiny Rescue may take action against them. This may include seeking to terminate their relationship with the charity.
- 4.17. If a person suspects that a Board or Executive Team member, or staff member has failed to disclose a conflict of interest, they must discuss the issue with the person in question, notifying the Board, or the person responsible for maintaining the register of interests.
- 4.18. All conflicts of interest, whether at a staff, Executive Team or Board level, are expected to be registered. It is at the sole discretion of the CEO as to whether the conflict needs to be escalated to the next scheduled Board meeting, or if it can be resolved at an Executive level.
- 4.19. Destiny Rescue is also committed to the fair and open procurement of goods and services. Please see the Procurement policy for more information.

## **5. Policy Review**

- 5.1. This document may be changed from time to time in line with current best practice and other requirements, and to ensure that business needs are met. You will be consulted and advised of any changes as far in advance as possible of the change being made.
- 5.2. At minimum, this policy will be reviewed annually.

## 6. Further Assistance

- 6.1. For further assistance or clarification on this policy, please contact [brent.kirwan@destinyrescue.org](mailto:brent.kirwan@destinyrescue.org).

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1.0	Brent Kirwan	16/01/19	Approval	Michelle