

 <p>BAY OF PLENTY DISTRICT HEALTH BOARD HAUORA A TOI</p> <p>INTEREST REGISTER PROTOCOL</p>	<p>INTEREST – CONFLICT OF INTEREST</p>	<p>Policy 2.4.6 Protocol 0</p>
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STANDARD

Conflicts of interest sometimes cannot be avoided and can arise without anyone being at fault. They need not cause problems when they are promptly disclosed and well managed.

There is no prescriptive set of rules specifying what constitutes ethical behaviour for all situations. Decision making should be guided by the principles of integrity, honesty, transparency, openness, independence, good faith and service to the public.

This protocol provides a guide for employees on conflicts of interest. Employees of Bay of Plenty District Health Board (BOPDHB) may become involved in matters that could potentially affect their ability to be or to be perceived as being neutral or impartial. BOPDHB needs to have confidence that the potential for conflicts of interest is minimised and that systems exist to manage any situation that develops into a conflict of interest.

Where an actual or potential conflict of interest exists, or where there is a perception that a conflict of interest exists, then that must not affect the ability of a BOPDHB employee to perform his / her duties efficiently and effectively.

That actual or potential conflicts of interest are identified to BOPDHB and steps are taken to protect the interests of BOPDHB.

STANDARDS TO BE MET

1. Nature of Conflicts of Interest

- 1.1 Conflicts of interest can be actual, perceived or potential.
- 1.2 An actual conflict of interest involves a direct conflict between an employee's current duties and responsibilities and existing private interests.
- 1.3 A perceived conflict of interest can exist where it could be perceived, or appears, that an employee's private interests could improperly influence the performance of their duties, whether or not this is the case.
- 1.4 A potential conflict of interest arises where an employee has private interests that could conflict with other official duties in the future.
- 1.5 A conflict of interest can arise in a wide range of circumstances. Examples of interests employees should consider are:
 - a) Holding another public office;
 - b) Pursuing a business opportunity;
 - c) Owning a business
 - d) Being a member of a club, society or association;
 - e) Having a professional or legal obligation to someone else (such as being a trustee);
 - f) Owning a beneficial interest in a trust;
 - g) Owning or occupying a piece of land;
 - h) Owning shares or some other investment or asset;
 - i) Owning a debt to someone;
 - j) Holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue;
 - k) Being a relative or close friend of someone who has one of these interests (or who could otherwise be personally affected by a decision of BOPDHB)

2. Deciding if a Conflict of Interest Exists

- 2.1 Employees should ask themselves the following questions to help decide if a conflict of interest exists or could be perceived by any person to exist:

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<p>Protocol Steward: Team Leader, Audit</p>	<p>Authorised by: Senior Advisor Governance & Quality</p>	

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- a) Do I, a relative, friend or associate stand to gain/loss financially from the District Health Boards decision or action on this matter?
- b) Do I, a relative, friend or associate stand to gain /loss in any way from the District Health Boards decision/action?
- c) Am I in a position to influence decision making about a matter related to a potential personal or professional interest?
- d) Have I made any promises or commitments in relation to this matter?
- e) Have I received a benefit or hospitality from someone who stands to lose or gain from the District Health Boards decision/action?
- f) Could there be benefits for me in the future that could cast doubt on my objectivity?
- g) If I do participate in assessment or decision-making, would I be happy for my colleagues and the public to be aware of any association or connection?
- h) Would a fair and reasonable person perceive that I was influenced by personal interest in performing my public duty?
- i) Do I need to declare the matter to my manager or to the relevant decision making group?
- j) Might I be perceived as favouring a particular person or firm because of a longstanding association?
- k) Am I in a position to influence development of a particular strategy or policy that will guide future decisions from which I may benefit personally?
- l) When I am making a presentation or recommendation to the Board or other decision making group, are they aware of my interests (including private practice commitments) which might be perceived as influencing the advice I am giving?

3. Declaration of Possible Conflicts of Interest, Disclosure and Documentation

- 3.1 New employees must disclose and complete an Interests – Conflict of Interest Declaration form with regard to any actual or possible interest (whether pecuniary or non-pecuniary), which could affect their employment relationship with BOPDHB.
- 3.2 Existing employees must disclose to their line manager and / or any relevant decision making group, or the responsible decision making person, his or her conflict of interest at the first available opportunity, for a decision as to what action should be taken to avoid or deal with the conflict. Disclosures are to be treated as confidential if appropriate. A disclosure should provide relevant information such that management can make informed decision about how best to manage the actual or potential conflict of interest. Any action taken / comments will be recorded in the Interests – Conflict of Interest Declaration form.
- 3.3 The Interests – Conflict of Interest Declaration Form is to incorporate as a minimum the following information:
 - a) Name and employee number of the person declaring the interest
 - b) Service / Department of the person declaring the interest
 - c) Date of declaration
 - d) Sign off by both the person declaring the interest and their line manager
 - e) Organisation or individual involved
 - f) The nature of their interest in the transaction
 - g) What role they had in the transaction e.g. No role, only involved in the discussion but not the decision, full involvement
 - h) Action taken / comments and how the conflict of interest will be managed / mitigated.

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3.4 Disclosures should be made verbally and in writing. Employees are to complete the Interests – Conflicts of Interest Declaration form and provide it to their manager who will manage the potential conflict of interest. The manager will provide the declaration form to the People and Culture Team via their Helpdesk Service at: EmployeeSolutions@bopdhb.govt.nz The form shall be filed in the employee’s personal file located in HR and the data entered into the HR database.

4. Employment or Promotion of Relatives

4.1 Section 32 (Exception in Relation to Family Status) of the Human Rights Act 1993 allows for an employer to impose restrictions in the following situations:

- a) On the employment of any person who is married to, or living in a relationship in the nature of marriage with, or who is a relative of, another employee if:
 - i. There would be a reporting relationship between them; or
 - ii. There is a risk of collusion between them to the detriment of the employer; or
 - iii. On the employment of any person who is married to, or living in a relationship in the nature of marriage with, or who is a relative of, an employee of another employer if there is a risk of collusion between them to the detriment of that person's employer.

4.2 Every line manager recruiting employees must ascertain whether the appointment of a person may create an actual or potential conflict of interest or the perception thereof.

4.3 The appointment or promotion of a person where an actual or potential conflict of interest, or a perception thereof, may arise as a consequence due to a personal relationship (as defined s.2(1)(c) Human Rights Act 1993) may only occur with the written approval of the Chief Executive Officer (CEO) or delegate.

4.4 In the event that, subsequent to commencing employment, employees enter into a relationship that causes an actual or potential conflict of interest, or a perception thereof, the employee shall inform their line manager who shall seek the written approval of the Executive Leader.

4.5 In the event that, subsequent to commencing employment, employees enter into a relationship that may cause an actual or potential conflict of interest, or a perception thereof, their line manager may require one (1) or either of the affected employees to transfer to another section, department or division. If the opportunity to transfer is not a realistic option at the time that such a situation occurs, the line manager must ensure every effort is made to effect such a transfer when it is reasonably possible to do so, and shall ensure that all viable steps are taken to remove the actual or potential conflict of interest, or the perception thereof.

4.6 Where a direct reporting situation exists for relatives any performance review process, or action such as a proposal for promotion, increase of salary or granting or declining any other monetary or non-monetary payment, must be done by the next level of line management who does not have a conflict of interest. The People and Culture Team, Corporate Services must also be consulted.

5. Authorisation and Revocation Where a Conflict of Interest Exists

5.1 The CEO, or delegate, may conditionally authorise employment where there is an actual or potential conflict of interest or a perception thereof.

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- 5.2 Where the conditions of authorisation of employment are breached, the CEO or delegate may require the circumstances of their employment be altered to ensure that the opportunity for a conflict of interest no longer exists.
- 5.3 The CEO, or delegate, may grant a written exemption from all or part of this protocol in situations where, after an open application process and in accordance with the principle of "best person for the job", a relative is recommended as the most suitable candidate for a position.
- 5.4 The CEO will seek the advice of the Pou Tikanga where the identified conflict relates to whakapapa relationships.

6. Existing Employees Covered By Policy

- 6.1 The CEO, or delegate, must approve any exemption to all or part of this protocol where there is an actual or potential conflict of interest, or a perception thereof.
- 6.2 This approval must be in writing.

7. Success Indicators

- 7.1 New employees declare actual or potential conflicts of interest or the perception thereof.
- 7.2 Relatives of an employee must not be promoted, have their salary increased, or receive other monetary or non-monetary payments by, or from, the employee unless this has been endorsed by the People and Culture Team, Corporate Services.
- 7.3 People and Culture must record each case where a Conflict of Interest Declaration has been made on a database.
- 7.4 The original copy of the Interests – Conflicts of Interest Declaration form must be retained in the employee's personal file.

8. Appeals Process

- 8.1 If an employee and their manager disagree with respect to any Conflict of Interest issue, an appeal may be made for a review to the People and Culture Business Partners, or the Senior Advisor, Governance and Quality who will, in partnership with the Pou Tikanga, or relevant persons to seek resolution.

ASSOCIATED DOCUMENTS

- Bay of Plenty District Health Board policy 2.4.6 Conflicts of Interest
- Bay of Plenty District Health Board policy 2.4.6 protocol 1 Interest Register – Maintenance Of
- Bay of Plenty District Health Board policy 3.50.02 protocol 16 Dual Employment
- Bay of Plenty District Health Board Form FM.I6.1 Interests – Conflict of Interest Declaration
- Bay of Plenty District Health Board Form FM.I6.2 Interest Register Template

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