CONFLICT OF INTEREST POLICY AND PROCEDURE

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Purpose and Scope

The purpose of this policy and procedure is to set out how Bilingual Care manages conflicts of interest in an open and transparent manner. It applies to the Leadership Team and all staff, and meets relevant legislation, regulations and Standards.

Applicable Aged Care Quality Standards

- *Standard 2. The Organisation*

Definitions

Conflict of Interest - Bilingual Care, its responsible persons, and its staff have a duty to act in the best interest of the business and its consumers. At times, personal interests (such as investment interests) or other duties (such as a person being employed by another organisation) may conflict with this duty. This is called a conflict of interest. Personal interests can relate directly to a person but may also arise from the interests of a person's family, friends, associates, or other organisations they are involved with.

Conflicts of Interest in aged care service delivery commonly occur where an aged care provider does not act in the best interests of its consumers, but instead acts in its own interests when marketing, recommending, or delivering its services.

There are three types of Conflict of Interest:

- actual - a direct conflict of interest
- perceived - there may appear to be a conflict of interest or
- potential - there could be a conflict of interest.

Conflicts of interest can't always be avoided and do not necessarily represent a problem. However, it is important they are managed properly so that Leadership Team members and staff are acting in the best interest of consumers and Bilingual Care, to maintain trust and protect the business' reputation.

Policy

Bilingual Care acts with integrity, honesty, and transparency and supports consumers' rights to choice and control. This includes disclosing any conflicts of interest – potential, perceived or actual – that may impact how it delivers supports.

Bilingual Care will assess any disclosed conflicts of interest to manage and protect the integrity of care, and any decisions must be made free from undue influence or bias.

Procedures

General

Conflicts of interest should be avoided where possible. However, where they cannot be avoided, they must be proactively managed. This includes actual, potential, and perceived conflicts of interest.

1. **Disclosure**

   All staff, including the Leadership Team must complete a *Conflict of Interest Declaration Form* upon onboarding. The Leadership Team must also complete an updated *Conflict of Interest Declaration Form* annually.

   Any new conflict must be disclosed immediately to the Managing Director or member of the Leadership Team.

2. **Assessment**

   Any declared conflicts will be assessed by the Managing Director and/or Leadership Team to determine risk and potential impact/s.

   A mitigation plan will be developed if necessary and actions to manage the conflict must be documented in the *Conflict of Interest Register*.

3. **Management**

   Any conflict of interest must be managed to ensure that decisions and actions are made in the best interests of consumers and are free from bias or personal gain.

   Strategies to manage conflicts may include:
   - individuals withdrawing/abstaining from decisions related to the conflict
   - reassignment of duties
   - requiring additional oversight or supervision and/or
   - external oversight – independent review of the conflict of interest and decision making processes

   All actions must be documented in the *Conflict of Interest Register*.

4. **Regular Review**

   Conflicts of Interest must be recorded and monitored in Bilingual Care's *Conflict of Interest Register*.

   The *Conflict of Interest Register* will be reviewed at least quarterly by the Leadership Team or when significant changes occur.

Staff who are uncertain about whether a conflict of interest exists should seek advice from the Managing Director or Leadership Team before proceeding.

Once a conflict of interest has been declared, the Managing Director or Leadership Team must decide what action to take to manage it in accordance with this procedure.

Business-Related Conflicts of Interest

When making decisions, staff should consider:

- whether they have any personal or private interests in a matter that may conflict or be perceived to conflict with their duties
- whether there could be a benefit for them, their family, or their friends into the future if they are involved in a particular matter
- how their involvement will be viewed by others and
- whether their involvement in a decision being made appears fair and reasonable.

Common business-related conflicts of interest staff may have include (but are not limited to):

- past, current, or potential personal or business relationships with other Bilingual Care staff or Bilingual Care consumers
- running a separate business, particularly where the activities and consumers of that business are like Bilingual Care's and
- holding other jobs, particularly where these could influence their duties to Bilingual Care and its consumers.

All staff should avoid involving themselves in matters that conflict with their duties to Bilingual Care and the consumers they support. Where a conflict is unavoidable, staff must declare it to the Managing Director as soon as practicable after they become aware of it.

Gifts, Benefits and Commissions

Staff must not accept any money, gifts, benefits, or commissions that could interfere with their ability or willingness to act in consumers' best interests. Nor must they take advantage of their position to directly, or indirectly, gain a personal benefit, or a benefit for another person or body.

Staff must not offer, provide, or receive any gift, benefits or commissions that may be perceived to improperly influence a relationship or decision affecting Bilingual Care. Gifts must never consist of cash or cash equivalents (such as gift certificates or loans) or be refundable for cash or cash equivalents by the recipient.

The provision or receiving of any gifts, benefits, or commissions under the value of $100 must be approved by the Managing Director.

Gifts, benefits, or commissions valued over $100 must be graciously declined. Regardless of value, all gifts, benefits, or commissions, whether provided by staff or received by staff, must be recorded in the *Gifts, Benefits and Commissions Register*. All items recorded in the Register must be counter-signed by the staff member's manager.

The record in the Register must expressly state the nature and purpose of the gift, benefit, or commission, including the value, the identities of the giver and receiver, and details of any approvals given.

Aged Care-Related Conflicts of Interest

All consumers must be treated equally and not given preferential treatment above others.

Staff must declare all potential, perceived and real conflicts of interest that could impact how they deliver supports to all relevant consumers or prospective consumers. This includes conflicts of interest relating to financial, business, or personal matters, as well as any financial

or business interests that Bilingual Care has with other organisations.

When providing supports to consumers, staff must not influence or direct consumers' or their representatives' decision-making, or limit their access to information, choice, and control. Advice and information provided about support options (in and outside Bilingual Care) must be accurate, transparent, and objective.

Any conflicts of interest that involve Associated Providers (subcontractors), such as family members as Workers, must be declared and managed in accordance with Bilingual Care's *Associated Providers Policy and Procedure* and this policy and procedure.

Bilingual Care provides information about conflicts of interest to consumers and their representatives in a variety of ways. This includes Bilingual Care's website, social media channels, advertising, signage, handbooks, and brochures. Written information can be provided in different languages and Easy English or explained verbally by staff. Bilingual Care staff can also help consumers access interpreters or advocates where required.

Bilingual Care endeavours to provide information in formats that accommodate current and anticipated consumer needs. This includes considering consumers' cultural background, and specific communication needs.

Complaints about Conflicts of Interest

Consumers may raise concerns or make complaints about perceived, potential, or actual conflicts of interest at any time. These will be managed in accordance with Bilingual Care's *Feedback and Complaints Policy and Procedure*. Complaints or concerns will be reviewed by the Managing Director and/or Leadership Team, who will assess whether adjustments to existing management strategies are needed to uphold transparency, fairness, and consumer rights.

Supporting Documents

Documents relevant to this policy and procedure include:

- *Associated Providers Policy and Procedure*
- *Governance Policy and Procedure*
- *Conflict of Interest Register*
- *Feedback and Complaints Policy and Procedure*
- *Gifts, Benefits and Commissions Register*

Monitoring and Review

This Policy and Procedure will be reviewed at least annually by the Leadership Team. Reviews will incorporate staff, consumer, and other stakeholder feedback, where relevant.

Annual satisfaction surveys will assess consumer and staff satisfaction with Bilingual Care's conflict of interest processes and provide stakeholders with the opportunity to provide feedback on areas for improvement.

Bilingual Care's *Continuous Improvement Plan* will be used to record improvements identified and monitor the progress of their implementation. Where relevant, this information will be considered as part of Bilingual Care's service planning and delivery processes.

DOCUMENT CONTROL

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