

 <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. Types of other interest

- 1.1 A conflict of interest can arise in a wide range of circumstances. For instance:
- a) Holding another public office;
 - b) Pursuing a business opportunity;
 - c) Being a member of a club, society or association;
 - d) Having a professional or legal obligation to someone else (such as being a trustee);
 - e) Owning a beneficial interest in a trust;
 - f) Owning or occupying a piece of land;
 - g) Owning shares or some other investment or asset;
 - h) Owning a debt to someone;
 - i) Holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue;
 - j) 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. Full Disclosure of Interests by Employees

- 2.1 Before their appointment, employees must disclose whether they have any financial, professional or personal interests (direct or indirect) that might create a conflict if they are appointed to the staff of BOPDHB. As a guide the following are types of interest which might create a conflict in respect of this appointment and should be disclosed:
- a) A person should not be appointed to a position that requires him or her to report directly or indirectly to a person who is his or her relative or to be directly responsible for a person who is his or her relative.
 - b) A person must not be appointed to a position, if that appointment may give rise to an actual or potential conflict of interest, or the perception thereof, between the applicant for appointment and his or her relative, and the conflict or perception thereof which may be to the detriment of BOPDHB,

<p>Issue Date: May 2016 Review Date: May 2019</p>	<p>Page 1 of 4 Version No: 2</p>	<p>NOTE: The electronic version of this document is the most current. Any printed copy cannot be assumed to be the current version.</p>
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- c) Employees must complete a declaration relating to actual or potential conflicts of interest, or the perception thereof, every year or when any new conflict of interest occurs through the year.
- d) Potential service providers must disclose actual or potential conflicts of interest, or the perception thereof, in any RFP submitted to BOPDHB.

3. Declaration of Possible Conflicts of Interest and Employment

- 3.1 New employees must complete and sign an Interest Declaration form with regard to actual or possible conflicts of interest, or the perception thereof, which could affect their employment relationship with BOPDHB.
- 3.2 Existing employees must declare to their line manager or nurse / medical leader via the Interest Declaration form any actual or potential conflicts of interest they have, or the perception thereof.
- 3.3 Existing employees must declare if they have a relative within the organisation where the employment relationship with such a person might cause an actual or potential conflict of interest, or the perception thereof. The employee must also declare the reasons such a perception or conflict may exist.
- 3.4 The declaration of the actual or potential conflict of interest, or appearance thereof, must cover:
 - a) business or financial interest in another agency or activity
 - b) directorships, trusteeships and other positions of influence in external organisations
 - c) other relationships where there is an actual or potential conflict of interest or the perception thereof.
- 3.5 Employees must notify the General Manager (GM), Human Resources (HR) should a conflict of interest, or perception thereof, arise by completing a BOPDHB Interest Declaration Form. The form shall be filed in the employee's personal file located in HR and the data entered into the HR database. This is an employee accountability.

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.

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- 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 CEO.
- 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 GM, HR 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.
- 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.

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 General Manager Human Resources.
- 7.3 Human Resources must record each case where a Conflict of Interest Declaration has been made on a database.
- 7.4 The original copy of the Interest Declaration must be retained in the employee's personal file.

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ASSOCIATED DOCUMENTS

- Bay of Plenty District Health Board policy 2.4.6 Interest Register
- 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 Interest Declaration
- Bay of Plenty District Health Board Form FM.I6.2 Interest Register Template

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