

Conflict of Interest Policy

Policy Statement

All of us need to behave in a way which will promote public confidence and trust in the Ombudsman's office. We are expected to do our work with efficiency, fairness, impartiality and integrity. The public has a right to quality service from our office, and that service needs to be embodied by every one of us. In everything we do we should:

- act fairly, with integrity and impartiality
- treat individuals and organisations courteously and sensitively
- use resources efficiently and effectively
- ensure we are accessible to everyone.

Our code of conduct provides guidance in dealing with situations which may lead to a real or perceived conflict of interest. This policy is to be read in conjunction with that document.

Integrity and public interest

We must promote confidence in the integrity of public administration and always act in the public interest and not in our own private interest. We should protect the reputation of the office, and not engage in activities, at work or outside work, that would bring the office or the public sector generally into disrepute.

Application of Policy

This policy applies to all full-time, part-time and fixed term contract employees of the Ombudsman's office.

Procedures

All staff of the Ombudsman's office are required to:

- Ensure personal or financial interests do not conflict with the individual's ability to perform his/her official duty in an impartial manner;
- Manage and declare any conflict between their personal and public duty; and where conflicts of interest do arise, ensure they are managed in the public interest; and
- Manage and declare gifts received and ensure all gifts are registered (see Gifts Policy).

What is a Conflict of Interest?

A conflict of interest arises when an officer is influenced, or the perception may reasonably arise that an officer may be influenced, by personal interests in carrying out official duties. In other words, a conflict of interest may exist (or be perceived to exist) where loyalties are divided (or may reasonably be perceived as likely to be divided). This could occur where the officer's involvement in a work related matter may provide the officer, a family member or friend or other associate (such as a political party or charitable body the officer is closely associated with) with a benefit of any sort from a decision or action involving the officer.

Examples where conflicts (real or perceived) may arise include:

- being involved in a tender/purchasing process where a tender/offer is received from a family member;
- participating in a selection panel when you have had a personal relationship with an applicant;
- receiving gifts, favours or hospitality from a person who may be affected (positively or negatively) by a decision or action you are a party to; or
- undertaking external employment that could conflict with the duties of the officer.

The *Public Sector Management Act 1994*, and the Western Australian Public Sector Code of Ethics require public sector bodies and employees to act with integrity.

Reporting and Registration of Conflicts of Interest

Public sector employees have an obligation to disclose interests that could reasonably create a perception of bias, or an actual conflict of interest. Employing authorities have the responsibility to inform employees of their duty to disclose, to assess such disclosures, and to take appropriate action to minimise any perception of, or to avoid, conflicts of interest.

To maintain the integrity of the office, personal interests (financial or otherwise), associations and activities must not conflict with your duties. Perceived conflicts of interest must be disclosed when there is a possibility of the conflict arising. Even if you view that possibility as remote, you should discuss the issue with your manager or the Ombudsman. You must make full and frank disclosure to your manager or the Ombudsman of any conflict, either real or potential, which may be seen to impact on the impartial exercise of your duties.

All conflicts of interest will be noted in the Conflicts Register maintained by the Ombudsman. This register will contain all disclosures of matters that are or could potentially result in conflicts of interest arising out of the performance of duties by this office.

If necessary, you may need to disqualify yourself from having any involvement in particular matters where that conflict arises, subject to the agreement of your manager or the Ombudsman. If you are in any doubt whether to disclose a potential conflict of interest, consult your manager or the Ombudsman. Such consultations will be treated confidentially and may help avoid harm or embarrassment to the office and you.

If you are considering whether a real or perceived conflict of interest may arise in a particular set of circumstances, the following points may assist:

- What will the outcome be for the staff member, work colleagues, the office, and other parties?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?
- Can the decision or conduct be justified in terms of the public interest?
- Would it withstand public scrutiny?

RESOLUTION OF DISAGREEMENTS

If you have any questions or concerns about any aspect of these codes or this policy, please raise them with the Ombudsman.

This document is aligned with the following legislation, standards, or other reference sources:

- Code of Conduct
- Public Sector Code of Ethics

Authorisation & Contacts

Authorisation

Policy Title:	Conflict of Interest Policy
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Owner & Contacts

Policy Owner:	Assistant Ombudsman Strategic Services
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