

Conflicts of Interest and Gifts and Benefits

Implementation Guide to NSW Health PD2015_045

Policy Number 2.004

Policy Function Leadership and Management

Issue Date 28 February 2020

Summary This Policy gives effect to the NSW Health Policy Directive PD2015_045 *Conflicts of Interest and Gifts and Benefits*. It protects the integrity of staff employed by Justice Health and Forensic Mental Health Network (the Network); all staff are expected to avoid actual or perceived conflicts of interest and must not accept gifts or benefits of a non-token value.

Responsible Officer Executive Director Performance and Planning

Applicable Sites

- Administration Centres
- Community Sites (e.g. Court Liaison Service, Community Integration Team, etc.)
- Health Centres (Adult Correctional Centres or Police Cells)
- Health Centres (Youth Justice Centres)
- Long Bay Hospital
- Forensic Hospital

Previous Issue(s) Policy 2.004 (Apr 2017, Apr 2016)

Change Summary Minor update to policy content

TRIM Reference POLJH/2004

Authorised by Chief Executive, Justice Health and Forensic Mental Health Network

1. Preface

NSW Health Policy Directive [PD2015_045](#) *Conflicts of Interest and Gifts and Benefits* provides guidance on how to manage conflicts of interest and gifts and benefits. This policy is an implementation guide to [PD2015_045](#) and applies to all staff employed by Justice Health and Forensic Mental Health Network (the Network) whether in a permanent, temporary, casual, honorary or termed capacity.

2. Policy Content

2.1 Mandatory Requirements

All staff must record and report:

- any perceived or actual conflict of interest; and
- receipt of gifts/benefits of non-token value.

The above must be forwarded to their line manager or executive director for assessment in accordance with section [3](#) of this policy.

In addition to the above requirements, staff must also follow and refer to Network Policy [2.010](#) *Code of Conduct* for:

- the disclosure of any associations with inmates/detainees/patients; and
- giving or receiving gift from inmates/detainees/patients or their families.

In accordance with [PD2015_045](#), the Network Conflict of Interest Register and Gifts and Benefits Register are mandatory requirements. Both registers are maintained by the Director of Clinical and Corporate Governance.

2.2 Implementation - Roles and Responsibilities

The Chief Executive (CE) is responsible for:

- nominating how the register referred to in this policy will be managed
- ensuring information on conflict of interest is routinely disseminated to staff
- ensuring information on gifts and benefits is routinely disseminated to staff
- ensuring that conflict of interests and gifts and benefits are managed effectively.

The Director Clinical and Corporate Governance is responsible for:

- establishing and maintaining the Network Conflicts of Interest Register
- establishing and maintaining the Network Gifts and Benefits Register
- Ensuring the integrity and confidentiality of the Conflict of Interest Register or Gifts and Benefits Register by allowing authorised access only.
- ensuring appropriate training and education is provided for staff

- conducting an annual review and sign-off the Network's Conflicts of Interest Register and Gifts and Benefits Register. This is to ensure all outstanding actions have been completed and to identify any trends or issues that require further action.

Executive Directors are responsible for:

- documenting the receipt and outcomes of all conflicts of interest and gifts and benefits disclosed by their staff in the appropriate register.

Co-Directors, Service Directors, Clinical Directors, Managers and Supervisors are responsible for:

- ensuring that staff under their supervision are aware of this policy
- assessing any conflict of interest situation or any potential conflict of interest declared by their staff and advise staff on the appropriate actions
- recording and reporting the receipt and outcome of all conflicts of interest or receipt of gifts and benefits disclosed by their staff in the appropriate register
- implementing local strategies to manage risks, disclosure and reporting of conflicts of interest or receipt of gifts and benefits
- ensuring completed Conflicts of Interest Declaration Forms or Gifts and Benefits Declaration Forms and any supporting documentation are provided to the relevant executive director
- Forwarding all completed forms to the Director Clinical and Corporate Governance.

Staff are responsible for:

- recognising potential and actual conflicts of interest and avoid where possible
- declaring immediately any conflict of interest or potential conflict of interest to their supervisor, manager or executive director
- recording and reporting as soon as possible any actual or potential conflict of interest in the Conflict of Interest Declaration Form
- never accepting gifts of cash
- never accepting gifts, rewards, travel or meals from suppliers or individuals unless approved by their line manager and there is no conflict of interest
- recording and reporting as soon as possible any gift or benefit received using the Gifts and Benefits Declaration Form.

3. Procedure Content

3.1 Conflicts of Interests or Gifts and Benefits – identification, implementation of local strategies, reporting and recording

- Staff must, as soon as they identify an actual or perceived conflict of interest, or are offered or receive, a gift or benefit, complete the [CORP091](#) *Conflict of Interest Declaration Form* or [CORP092](#) *Gifts and Benefits Declaration Form*, sign and forward to their line manager.

- Managers must assess and sign the declaration form and forward it to their Executive Director or delegate and implement local strategies to mitigate the potential risks.
- The Executive Director or delegate must assess the reported conflict of interest or gift/benefit and assess local strategies that have been undertaken.
- The Executive Director or delegate must record the information from the Conflict of Interest Declaration Form or Gifts and Benefits Declaration Form into the appropriate register.
- The Executive Director or delegate should regularly observe any patterns of entries in the register, implement strategies to minimise exposures and ensure outstanding actions are completed.

3.1.1 Accessing the Conflict of Interest Declaration Form and Gifts and Benefits Declaration Form

The *Conflict of Interest Declaration Form* and *Gifts and Benefits Declaration Form* are available on the intranet or via the following links;

[CORP091](#) *Conflict of Interest Declaration Form*

[CORP092](#) *Gifts and Benefits Declaration Form*

3.2 Network Conflict of Interest Register and Gifts and Benefits Register

- The Conflict of Interest Register must incorporate, as a minimum, the following:
 - name and contact details of the person declaring the conflict of interest
 - to whom was the conflict declared (name and position)
 - date of declaration
 - organisation or individual involved
 - brief description of the matter
 - directions/ guidance received to manage/ resolve conflict and by whom
 - action taken to manage conflict of interest.
- The Gifts and Benefits Register must incorporate, as a minimum, the following:
 - date of the offered/ received gift/ benefit
 - if the gift/ benefit was accepted
 - name and signature of the staff member that was offered or has accepted the gift/ benefit
 - person or organisation that offered or provided the gift/ benefit
 - reason for the offer or gift/ benefit
 - description of the gift/ benefit
 - estimated value of the gift/ benefit
 - decision on what should happen with the gift/ benefit and reasons for that decision

- signature of the line manager of the staff member that was offered or has accepted the gift/ benefit
- whether approval was sought and received from the manager prior to accepting the gift/benefit.

Staff must seek approval from the Director of Clinical and Corporate Governance should they wish to access the Conflict of Interest Register or Gifts and Benefits Register.

4. Definitions

Must

Indicates a mandatory action to be complied with.

Gift

Any item, service, prize, hospitality or travel, offered or provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value or a value to the recipient, a member of their family, relation, friend or associate, and includes bequests.

Should

Indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

Staff

For the purposes of this policy staff refers to any person working in a permanent, temporary, casual, termed appointment or honorary capacity within NSW Health. It includes volunteers, patient advocates, contractors, visiting practitioners, Visiting Medical Officers, students, consultants, researchers performing work within NSW Health facilities.

Token Gifts

Inexpensive gift of gratitude such as a bunch of flowers, or other item of token value.

Token Value

The monetary limit of acceptable token gifts. The token value for NSW Health is \$75.

Non-token gifts

Have a greater value or is a gift that can be seen to be given as an inducement.

Conflict of Interest

Can arise where a staff member could be influenced or perceived to be influenced, by a competing interest when carrying out their public duty. Competing interests may arise through personal or private interests, or through separate professional interests.

5. Legislation and Related Documents

Legislation

[Independent Commission Against Corruption Act 1988 No 35](#)



NSW Health Policy
Directives

[PD2015_045](#) *Conflicts of Interest and Gifts and Benefits*

The Network Policies

[2.010](#) *Code of Conduct*