

Retirement Living Conflicts of Interest Policy

Policy Purpose

This policy and procedure is made pursuant to Part 4 of the *Retirement Village Regulation 2017 (NSW)* as amended by the *Retirement Villages Amendment (Rules of Conduct for Operators) Regulation 2019 (NSW)*, which requires operators and its employees to avoid conflicts of interests.

Policy Statement

Catholic Healthcare Retirement Village is committed to avoiding conflicts of interests which prevent it or its employees from acting impartially and in the interests of residents.

Scope & Applicability

This Policy applies to Catholic Healthcare Retirement Villages.

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Definitions

Conflict of Interest	When an employee of a Village has a personal interest in a matter, which could improperly influence or appear to influence the performance of their duties to act impartially and in the best interests of residents.
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1. What is conflict of Interest?

A conflict of interest arises when an employee of a Village has a personal interest in a matter, which could improperly influence or appear to influence the performance of their duties to act impartially and in the best interests of residents.

Some situations that may give rise to conflict of interest include:

- a) Financial or other personal interests in a matter that the Village deals with, or having friends or relatives with such an interest;
- b) Personal beliefs or attitudes that influence the impartiality of a decision or proposed decision; or
- c) Personal relationships which lead to the perception that the relationship can or may influence a decision.

2. When should employee report a conflict of interest?

In many cases, staff will become aware of the potential for a conflict of interest. All staff have a duty to avoid these situations or to disclose them to their managers as soon as they become apparent. If staff are uncertain whether a conflict exists, they should advise their managers straight away.

3. What should managers do when a conflict is reported or discovered?

- 3.1 If after receiving a report or discovering a conflict of interest, the Village must provide written notice of the conflict to each resident in the Village, as soon as practicable.
- 3.2 In some situations, conflicts are not immediately reported or identified, and later discovered. If a Village becomes aware of the existence of a conflict (after the fact), the Village must provide written notice of the discovery of the conflict to each resident in the Village. The notice must contain:
 - a) A description of the conflict of interest;
 - b) An outline of the reason/s why the conflict of interest was not disclosed earlier (if known); and
 - c) The proposed action to be taken by the operator in response to the conflict.
- 3.3 Management must record all instances of conflicts of interest that are reported or discovered in the Conflicts of Interest Register including the following information:
 - a) The name, contact details and title of the employee with the conflict of interest;
 - b) The date the conflict of interest was disclosed to the residents (as per above);
 - c) The function connected with the management or operation of the Village to which the conflict of interest relates and the date on which the function was carried out;
 - d) The nature of the private interest giving rise to the conflict of interest; and
 - e) Details of any measures implemented to mitigate any effects of the conflict of interest (See point 4).
- 3.4 These records are kept for the duration of the employee's employment, and for an additional 5 years after the employment ends.
- 3.5 Residents may request access to the records, and the Village must provide access within 5 business days from the date of the request.

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3.6 Penalties may apply for failure to comply with these record keeping obligations.

3.7 Where a conflict of interest is discovered as opposed to reported, management will review this and any other internal policies and procedures for effectiveness and remind all staff members of their duties under existing policies.

4. What if a conflict cannot be managed or resolved?

4.1 There are situations where a conflict cannot be resolved, and the employee's functions cannot be removed because:

- a) There is no other person with an equivalent level of authority or skill to carry out the functions; and/or
- b) It would not be in the best interests of the residents if the functions are performed by anyone else.

4.2 In these situations, the employee will continue to perform his/her function, unless circumstances arise, which did not exist prior, under which a conflict may be resolved.

Review History

Date of update	Outline of change	SMEs Reviewed

Related Policies & Documents

- Retirement Villages Regulation 2017 (NSW): cl. 16, 17, 18, 19, 20, 21, 22 and 23.
- Retirement Villages Amendment (Rules of Conduct for Operators) Regulation 2019 (NSW)
- Retirement Living Code of Conduct 2018

Key words for search

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