

Conflict of Interest Policy

1. Purpose

The purpose of this policy is to set out the requirements to identify, disclose and manage conflicts of interest to protect the integrity of the Royal Australasian College of Medical Administrators (the **College**) and manage risk.

2. Scope

- 2.1.1 This policy applies to employees and contractors (**Staff**); anyone who is, or could reasonably be perceived to be, representing the College or acting on behalf of the College in an official role (**College Representative**) and participants in a College Activity.
- 2.1.2 College Representatives include:
- Board Directors
 - people who are members of Committees, Subcommittees and Working Groups established by the Board (collectively '**Committees**'). For clarity, the Board of Censors and the Academic Board are considered Committees under this policy.
 - College Members in the roles of Censors, Supervisors and Preceptors.
 - members of panels assessing accreditation of training posts, recognition of prior learning and experience and Specialist International Medical Graduates.
- 2.1.3 A **College Activity** is an activity conducted by or on behalf of the College that relates to training and assessment requirements and that is not done in the context of a Committee meeting. This includes but is not limited to the conduct of examinations, the assessment of training posts and the assessment of Leadership for Clinicians participant submissions.
- 2.1.4 An **Activity Leader** is the Staff member or College Representative that oversees a specific College Activity.

3. Policy Statement

3.1 Definitions

- 3.1.1 A conflict of interest occurs when a person has, could have or could be perceived to have, an interest or obligation that competes or has the capacity to compete with the interests of the College and therefore could influence, or be perceived to influence, their decisions and actions.
- 3.1.2 A conflict of interest may be actual, perceived or potential.
- An **actual** conflict of interest occurs when there is a conflict between a person's interest or obligation and their official duties and responsibilities with the College.
 - A **potential** conflict of interest occurs where a person has an interest or obligation that could conflict with their official duties and responsibilities with the College in the future.
 - A **perceived** conflict of interest occurs when a reasonable person, knowing the facts, would consider that a conflict of interest may exist, whether or not this is the case.

3.1.3 Competing interests or obligations include:

- a) *Direct interests*, for example a person's own personal, family, professional or business interests, and *indirect interests*, such as the interests of an individual or entity connected with a person in scope of this Policy through formal or informal personal (including family, relatives, friends), professional (e.g., a person's employer) or business relationships.
- b) *Financial interests*, such as financial gain or other material benefit, and *non-financial interests*, for example favours, personal relationships, outcome of an examination.

3.2 Intent

3.2.1 The College is committed to identifying and managing conflicts of interest to:

- a) preserve its integrity, the interests of the organisation and the interests of its Members, and therefore preserve trust from the community.
- b) protect itself, its Staff members and College Representatives from any allegations of corruption or partial treatment (preferential or detrimental).
- c) comply with its regulatory obligations.

3.2.2 All decisions and actions of individuals in their capacity as Staff members and College Representatives should be made in the best interests of the College.

3.3 Possible management actions

3.3.1 Actions available to manage conflicts of interest are outlined below.

- a) **No further action** - where the risks associated with the conflict of interest are determined to be very low, a record of the conflict of interest is enough to preserve the integrity of the College.
- b) **Restrict** - placing restrictions on the involvement of the person with the conflict in the matter (e.g., allow a person with a conflict to provide initial advice on a matter if they have a particular expertise, but then require them to withdraw while other members discuss and vote).
- c) **Remove** - the person with the conflict is excluded from any involvement in the matter (e.g., person is required to step out of the room/call when discussions and voting take place, Censor cannot examine a particular Candidate).
- d) **Relinquish** - the person with the conflict relinquishes the interest or obligation that is creating the conflict and provides evidence of such to the College.
- e) **Terminate** – where relinquishing the interest is not possible and the conflict cannot be managed using one of the options above, or the conflict is so significant or inherent that it is likely to prevent the person with the conflict from regularly discharging their duties, the person may choose to end their engagement with the College (e.g., resign from the Committee), or the employment or engagement of the person with the conflict may be terminated depending on the circumstance. The latter requires approval from the Chief Executive for Staff member and the agreement of at least a majority of the Board or Committee (excluding any conflicted person/s) who are present and voting at the meeting for a College Representative.

3.3.2 In deciding what management action to take, the Board, Committee or Activity Leader will consider:

- a) whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making;
- b) options for avoiding and managing the conflict; and
- c) the risks of an appearance of conflict of interest or improper conduct impairing confidence in, or the reputation of the College.

3.3.3 The person with the conflict will be made aware of the management action. If a person is dissatisfied with the course of action decided, they may refer the matter to the Chief Executive.

3.4 Record keeping

3.4.1 The College will maintain registers of interest, which will be administered by the person in charge of the secretariat of the Board or Committee, and records of interest which will be administered by the person in charge of the organisation of the College Activity.

3.4.2 Where a conflict is disclosed during a meeting, the fact that an interest has been declared will be recorded in the minutes of the meeting, together with how it was managed. However, details about the nature of the conflict of interest may only be recorded with the consent of the person concerned. Such conflict will be added to the register of interests after the meeting if it does not already feature there.

3.5 Monitoring

3.5.1 Managers, Board and Committees should review declared conflicts of interest regularly to assess whether they still exist and satisfy themselves that management plans remain effective.

3.5.2 A failure to comply with this Policy may lead to disciplinary action:

- a) against a Member in accordance with the College's Constitution; or
- b) against a Staff member in accordance with the terms of their employment or engagement.

3.5.3 Non-disclosed conflicts that are then either retrospectively disclosed or disclosed/notified by another party and led to a decision affecting Training and Education will be managed in accordance with the Reconsideration, Review and Appeal of Decisions Policy.

4. Process - Board and Committees

4.1 Identification

4.1.1 People in scope of this policy will regularly consider the relationship between interests and obligations they have and the interests of the College to identify conflicts of interest. If they are unsure whether a conflict exists, they should seek advice from the Chief Executive.

4.2 Disclosure

4.2.1 Actual, potential and perceived conflicts of interest must be disclosed.

4.2.2 People in scope of this policy must:

- a) declare conflicts of interest upon starting a new role or becoming a College Representative;
- b) review, and if necessary, update, their declaration of conflicts of interest regularly or where their circumstances or involvement with the College change in a way that might give rise to a new conflict of interest;
- c) at the commencement of each Board or Committee meeting, declare any interest they have that may give rise to a conflict arising out of the agenda for the meeting; and
- d) immediately declare an interest if a matter arises during a Board or Committee meeting which may give rise to a conflict of interest.

4.2.3 If anyone becomes aware of a conflict of interest involving a College Representative, they should immediately bring the matter to the attention of the College – either to the President or Chair of a Committee or the Chief Executive.

4.3 Managing conflicts of interest

4.3.1 Conflicts of interest declared ahead of time will be considered by the relevant Board or Committee, who will decide the appropriate management action (see section 3.3).

4.3.2 Conflicts must also be declared at the start of each meeting. When a new interest is disclosed at a meeting, the Board or Committee (excluding the person with the conflict of interest as well as any other conflicted person) will decide the appropriate management action. This includes at least whether the person/s with the conflict should:

- a) vote on a matter
- b) participate in discussions affected by the conflict
- c) be present in the room or call during the discussions and the voting.

4.3.3 The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests (see section 3.4).

4.3.4 The removal, exclusion or inability to vote imposed on a Director or member of a Committee will not create the absence of quorum where quorum is met should that person have been able to vote.

5. Process - College Activities

5.1 Identification

5.1.1 People in scope of this policy will consider how interests and obligations they have could or could be perceived to impact their decisions and actions in relation to College Activities. If they are unsure whether a conflict exists, they should seek advice from the Chief Executive or the Activity Leader.

5.1.2 The types of matters which must be declared include, but are not limited to:

- a) involvement in the selection, training, supervision, evaluation, examination or assessment of the Candidate.
- b) involvement with the Candidate in a professional role (e.g., as co-worker, colleague, competitor, committee member, manager, employer, interviewer or interviewee).

- c) business, family or close personal relationships with the Candidate.
- d) employment or other participation with the post or program.
- e) involvement with the management, governance or oversight of the post or program.

5.2 Disclosure

5.2.1 Actual, potential and perceived conflicts of interest must be disclosed.

5.2.2 People in scope of this policy must:

- a) at the commencement of each College Activity, declare any interest they have that may give rise to a conflict arising out of the College Activity.
- b) immediately declare an interest if a matter arises during a College Activity which may give rise to a conflict of interest.

5.2.3 If anyone becomes aware of a conflict of interest involving a College Representative, they should immediately bring the matter to the attention of the College – either to the Activity Leader or the Chief Executive (or their delegate). This includes a Candidate who becomes aware that a person involved in their examination or assessment may have a conflict of interest.

5.3 Managing Conflicts of Interest

5.3.1 The Activity Leader will decide on the appropriate management action (see section 3.3). This includes at least whether the person/s with the conflict should participate in the interaction affected by the conflict (e.g., the examination of a particular Candidate, the conduct of a training post assessment). The action will be recorded for the relevant College Activity.

5.3.2 For clarity:

- a) the Censor in Chief will determine the management of conflicts of interest of Censors for a relevant College Activity.
- b) the Accreditation Committee will determine the management of conflicts of interest of Supervisors.
- c) the Jurisdictional Coordinators of Training will determine the management of conflicts of interest of Preceptors in their jurisdiction.

6. Process - Staff

6.1 Identification

6.1.1 Staff will regularly consider how interests and obligations they have will, could or could be perceived to impact their decisions and actions in relation to the College. If they are unsure whether a conflict exists, they should seek advice from the Chief Executive.

6.1.2 The types of matters which must be declared include, but are not limited to:

- a) business, family or close personal relationships with a person or entity whose goods or services the College is seeking to procure.
- b) employment or other participation in an entity affected by decisions of the College.

6.2 Disclosure

6.2.1 Actual, potential and perceived conflicts of interest must be disclosed.

6.2.2 Staff members in scope of this policy must:

- a) declare conflicts of interest upon starting their employment.
- b) review, and if necessary, update, their declaration of conflicts of interest regularly or where their circumstances change in a way that might give rise to a new conflict of interest.
- c) immediately declare an interest if a matter arises which may give rise to a conflict of interest.

6.2.3 If a Staff member becomes aware of a conflict of interest involving another Staff member, they must declare it immediately to their manager.

6.3 Managing Conflicts of Interest

Conflicts of interest declared ahead of time will be considered by the relevant Manager, who will decide the appropriate management action (see section 3.3) and record it in the register of interests (see section 3.4).

7. Related documents

- Code of Conduct – Members
- Code of Conduct – Staff
- Suspension or Termination of Appointment to Representative Position Regulation
- Reconsideration, Review and Appeal of Decisions Policy
- Privacy of Personal Information Policy
- Related Party Transactions Policy
- Good Medical Practice - A Code of Conduct for Doctors in Australia
- Good Medical Practice - A guide for Doctors (New Zealand)
- Australian Charities and Not-for-Profits Commission Regulations 2022 – Governance Standard 5

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