

CONFLICT OF INTEREST ASSESSMENT & DECLARATION COP148

1. HOW TO USE THIS DOCUMENT

National Ambulance (NA) employees involved in a committee, working group or procurement activity should register a formal Declaration of Conflict of Interest, at inception. This document is designed to enable you to identify any Conflict of Interest you may have that could impact on this procurement.

Please:

1. Read the sections explaining the key concepts first;
2. Complete the assessment checklists;
3. Sign the appropriate Declaration of Conflict of Interest form;
4. Return this whole form to the Chair or Procurement Adviser/Project Manager; and
5. Any declaration must be submitted to the Executive Office for submission to the Board.

2. ASSESSING A CONFLICT OF INTEREST

A Conflict of Interest can occur due to one of the following 3 factors:

1. Private interest;
2. Pecuniary or non-pecuniary interest, or;
3. Conflicting duties.

Actual Conflict of Interest	Perceived Conflict of Interest	Potential Conflict of Interest
An employee is in a position to be influenced by their private interests when doing their job.	An employee is in a position to appear to be influenced by their private interests when doing their job.	An employee is in a position where they may be influenced in the future by their private interests when doing their job.
(You are on an evaluation team assessing a tender response from an organisation your spouse works in.) (e.g., You are part of a committee assessing an application for funding by the organisation in which your spouse is a manager.)	(Your spouse's organisation submits a quotation to NA however it is not relating to a project in your area.) (e.g., Your spouse's organisation submits products to trial, but you are not the Manager responsible for this area.)	(You have a personal relationship with someone employed by an organisation that may tender to NA in the future.) (e.g., Your family member is employed by an organisation that is intending to deliver services to NA in the future.)

3. CODE OF CONDUCT – SUMMARY OF RESPONSIBILITIES

WE MUST BE FAIR, IMPARTIAL, RESPONSIBLE, AND TRUSTWORTHY

Whether we work in a department or in Government entity, we must act with a spirit of service to the community and meet the same high standards of integrity and conduct in everything we do.

Employees must comply with the standards of integrity and conduct set out in this code and departments maintain policies and procedures that are consistent with it.

FAIR: WE MUST:

- Treat everyone fairly and with respect;
- Be professional and responsive;
- Work to make government services accessible and effective;
- Strive to make a difference to the well-being of UAE and all its people.

IMPARTIAL: WE MUST:

- Maintain the political neutrality required to enable us to work with current and future governments;
- Carry out the functions of our organisation, unaffected by our personal beliefs;
- Support our organisation to provide robust and unbiased advice;
- Respect the authority of the government of the day.

RESPONSIBLE: WE MUST:

- Act lawfully and objectively;
- Use our organisation's resources carefully and only for intended purposes;
- Treat information with care and use it only for proper purposes;
- Work to improve the performance and efficiency of our organisation.

TRUSTWORTHY: WE MUST:

- Be honest;
- Work to the best of our abilities;
- Ensure our actions are not affected by our personal interests or relationships;
- Never misuse our position for personal gain;
- Decline gifts or benefits that place us under any obligation or perceived influence; and
- Avoid any activities, work or non-work, that may harm the reputation of the organisation.

3. CONFLICTS ARISING FROM A PRIVATE INTEREST

A Conflict of Interest occurs when a personal (private) interest interferes with your public duty as an employee of NA and to serve the public interest. A conflict situation can arise when you take actions or have interests that may make it difficult to perform your work objectively and effectively.

The test when assessing these situations you need to ask yourself – ‘could my personal (private) interest conflict or appear to conflict with my public duty to serve the public interest (interests of the community as a whole)’?

This is an objective test – when applied it should focus on the individual’s role and the private relationships and interests of the person concerned, and whether a reasonable, disinterested person would think these relationships and interests could conceivably conflict or *appear* to conflict with the person’s role.

It is important to note a Conflict of Interest can arise from *avoiding personal losses* as well as *gaining personal advantage* – whether financial or otherwise, and need not *actually* exist – rather *appear* to exist.

Such situations may include any financial, romantic or nepotistic relationship with another employee, Supplier, competitor or anyone who represents, does work for, or on behalf of, NA, or any relationship that, by its nature, may appear to interfere with your ability to dispassionately and objectively act in the best interests of NA.

Conflicts of interest may also arise when you, or members of your family, receive improper personal benefits as a result of your position.

ASSESSING IF YOU HAVE A CONFLICT OF INTEREST RESULTING FROM A PRIVATE INTEREST

Use this checklist to assess if you have a private interest that could interfere with your ability to perform your job role objectively (serving the public interest).

WHAT'S THE SITUATION?	YES	NO
1. Would I or anyone associated with me benefit from or be detrimentally affected by my proposed decision or action?	<input type="checkbox"/>	<input type="checkbox"/>
2. Could there be benefits for me in the future that could cast doubt on my objectivity?	<input type="checkbox"/>	<input type="checkbox"/>
3. Do I have a current or previous personal, professional or financial relationship or Association of any significance with an interested party?	<input type="checkbox"/>	<input type="checkbox"/>
4. Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do I or a relative, friend or associate of theirs stand to gain or lose financially in this activity?	<input type="checkbox"/>	<input type="checkbox"/>
6. Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?	<input type="checkbox"/>	<input type="checkbox"/>
7. Have I contributed in a private capacity in any way to the matter the NA is dealing with?	<input type="checkbox"/>	<input type="checkbox"/>
8. Have I made any promises or commitments in relation to the matter?	<input type="checkbox"/>	<input type="checkbox"/>
9. Have I received a benefit or hospitality from someone who stands to gain or lose by my proposed decision or action?	<input type="checkbox"/>	<input type="checkbox"/>
10. Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?	<input type="checkbox"/>	<input type="checkbox"/>
11. Could this situation have an influence on any future employment opportunities outside my current official duties?	<input type="checkbox"/>	<input type="checkbox"/>
12. Could there be any other benefits or factors that could cast doubts on my objectivity?	<input type="checkbox"/>	<input type="checkbox"/>
13. Do I still have any doubts about my proposed decision or action?	<input type="checkbox"/>	<input type="checkbox"/>
CONSIDER THE PERCEPTIONS OTHERS COULD HAVE	YES	NO
14. What assessment would a fair-minded member of the public make of the circumstances? Would they perceive my involvement as fine?	<input type="checkbox"/>	<input type="checkbox"/>
15. Could my involvement in this matter cast doubt on my integrity or on the integrity of the company?	<input type="checkbox"/>	<input type="checkbox"/>
16. If I saw someone else doing this, would I suspect that they might have a Conflict of Interest?	<input type="checkbox"/>	<input type="checkbox"/>
17. If I did participate in this action or decision, would I be happy if my colleagues and the public became aware of my involvement and any association or connection?	<input type="checkbox"/>	<input type="checkbox"/>
18. How would I feel if my actions were highlighted in the media?	<input type="checkbox"/>	<input type="checkbox"/>
19. Is the matter or issue one of great public interest or controversy where my proposed decision or action could attract greater scrutiny by others?	<input type="checkbox"/>	<input type="checkbox"/>

5.CONFLICTS ARISING FROM A PECUNIARY INTEREST

The purpose of this section is to assist you to identify whether you have a pecuniary or non-pecuniary private interest that may impact on this procurement.

Pecuniary interests are another type of Conflict of Interest, and as such need to be considered before completing a Declaration of Conflict of Interest. You have a pecuniary interest in a matter if you have (or should reasonably have) a realistic expectation that you or an associated individual stand to gain a benefit or suffer a loss, whether directly or indirectly.

Pecuniary interests involve an actual or *potential* financial gain or loss. Money does not need to change hands for interests to be pecuniary. People have a pecuniary interest if they (or a relative or close associate) own property, hold shares, have a position in a company bidding for NA work, or receive benefits (such as concessions, discounts, gifts or hospitality) from a particular source. Statutory provisions exist for declaring and managing pecuniary interests in many areas of the public sector, including NA.

Non-pecuniary interests do not have a financial component. They may arise from personal or family relationships, or involvement in sporting, social or cultural activities. They include *any tendency toward favour or prejudice* resulting from friendship, animosity, or other personal involvement with another person or group. Any of these relationships could be the source of interests that could conflict with the public interest in a particular situation.

Moreover, we all have personal opinions, prejudices and attitudes, which we are expected to set aside when performing our job roles. However, if personal values are likely to impact on the proper performance of your job role (as an NA employee), then these can also lead to a Conflict of Interest.

- It is not necessary to be able to identify or quantify the benefit or loss that might either directly or indirectly be attributable to you as a consequence of the relationship.
- Money does not have to change hands – the benefit could be an increase in the value of property or other material interest.

As soon as pecuniary interest of an associate is recognised, you must treat it as if it was your pecuniary interest.

Whether the interest is **pecuniary** or **non-pecuniary**, in all above circumstances, you will have a Conflict of Interest if your public duty as an employee requires you to become involved in any decision or action regarding the matter.

ASSESSING IF YOU HAVE A CONFLICT OF INTEREST RESULTING FROM A PECUNIARY INTEREST

Use this checklist to assess if you have a **Pecuniary** Interest that could interfere with your ability to perform your job role objectively (serving the public interest).

DO I HAVE A PECUNIARY INTEREST?	YES	NO
1. Does the matter fall within the legislated definition of a pecuniary interest?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is there a realistic expectation that I will, directly or indirectly, gain a financial or other material benefit or suffer a financial or other material loss?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the matter affect my earning capacity or financial situation?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will it have an impact on the value of any shares or property that I own?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do I have a second job or private business that may be affected by the matter?	<input type="checkbox"/>	<input type="checkbox"/>
6. Do I have any debts owing to a person who will be affected by the matter?	<input type="checkbox"/>	<input type="checkbox"/>
7. Have I accepted hospitality, sponsored travel or other benefits from a person who will be affected by the matter?	<input type="checkbox"/>	<input type="checkbox"/>
8. Is there a realistic expectation that someone in a personal or business relationship with me will, directly, gain a financial or other material benefit or suffer a financial or other material loss?	<input type="checkbox"/>	<input type="checkbox"/>
9. By nature of my relationship with this individual, would any benefit or loss be expected, under normal circumstances, to flow through to me?	<input type="checkbox"/>	<input type="checkbox"/>

6.CONFLICTS ARISING FROM ‘CONFLICTING DUTIES’

There are two other situations that employees must be aware. The first circumstance is where an employee has multiple roles. In addition to their principal job, an individual may find that part of that job involves taking on another public sector or community-based role as well. A example is when a position in a major government department includes being a member of the board of a statutory authority that the department has some responsibility for.

Where individuals have more than one official role it may be difficult to keep the roles separate. The result can be poor performance of one of the roles, at best, and unlawful or improper decision making at worst.

The risk of the duties of these positions conflicting is more likely where a public sector employee has two roles in organisations with a competitive relationship, or where one has a regulatory or review role in relation to the other. Corporate governance processes in public organisations usually address this issue by segregating functions and areas of work from each other. Nevertheless, conflicts between the duties of these roles can arise, particularly in small communities where staff numbers are limited or where there is a lack of competition. The conflicts in these circumstances are not always recognised because no private interest is involved or apparent. This situation is described as one of competing interests or a conflict of duty.

The second situation, which often arises from a public official having multiple roles, is the problem of officials acquiring confidential information in the course of their proper role that could be useful in relation to their work in another role.

The corruption risk in this situation is that the employee may be tempted to use the information improperly, to give advantage to the second public organisation, or create bias against or prejudicial treatment of another group or person.

These situations should be considered at the same time as conflicts of interest because the underlying principles for managing them are the same.

The primary goal of systems to manage conflicts of interest is to ensure that decisions are made – and are seen to be made – on proper grounds, for legitimate reasons and without bias.

ASSESSING IF YOU HAVE A CONFLICT OF INTEREST RESULTING FROM CONFLICTING DUTIES

DO I HAVE CONFLICTING DUTIES?	YES	NO
1. Do you have multiple roles at NA?	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you have a principal job at NA, and find that part of that job involves taking on another public sector or community-based role as well?	<input type="checkbox"/>	<input type="checkbox"/>
3. Do the two NA job roles have a competitive relationship (competing interest), or does one have a regulatory or review role in relation to the other?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you acquire confidential information in the course of your principle role that could be useful in relation to your work in another role?	<input type="checkbox"/>	<input type="checkbox"/>
SHOULD I SEEK HELP?	YES	NO
1. Am I confident of my ability to act impartially and in the public interest?	<input type="checkbox"/>	<input type="checkbox"/>
2. Do I feel a need to seek advice or discuss the matter with an objective party?	<input type="checkbox"/>	<input type="checkbox"/>
3. Does this person know more about these things than I do?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is all the relevant information available to ensure a proper assessment?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do I know what NA's code of conduct requires in relation to conflicts of interest? (Conflict of Interest Monitoring), (Code of Conduct)	<input type="checkbox"/>	<input type="checkbox"/>
6. Do I need to discuss any issues regarding this matter with the Chair or Procurement Adviser/Project Manager?	<input type="checkbox"/>	<input type="checkbox"/>
7. Do I understand the possible penalties that may apply if I proceed with an action or decision with an unresolved Conflict of Interest?	<input type="checkbox"/>	<input type="checkbox"/>

Remember – seeking and following advice by suitably qualified persons is evidence of good faith but does not transfer the responsibility from the individual to decide whether or not they have a Conflict of Interest.

7. ETHICS AND PROBITY GUIDELINES: CONFLICTS OF INTEREST MONITORING

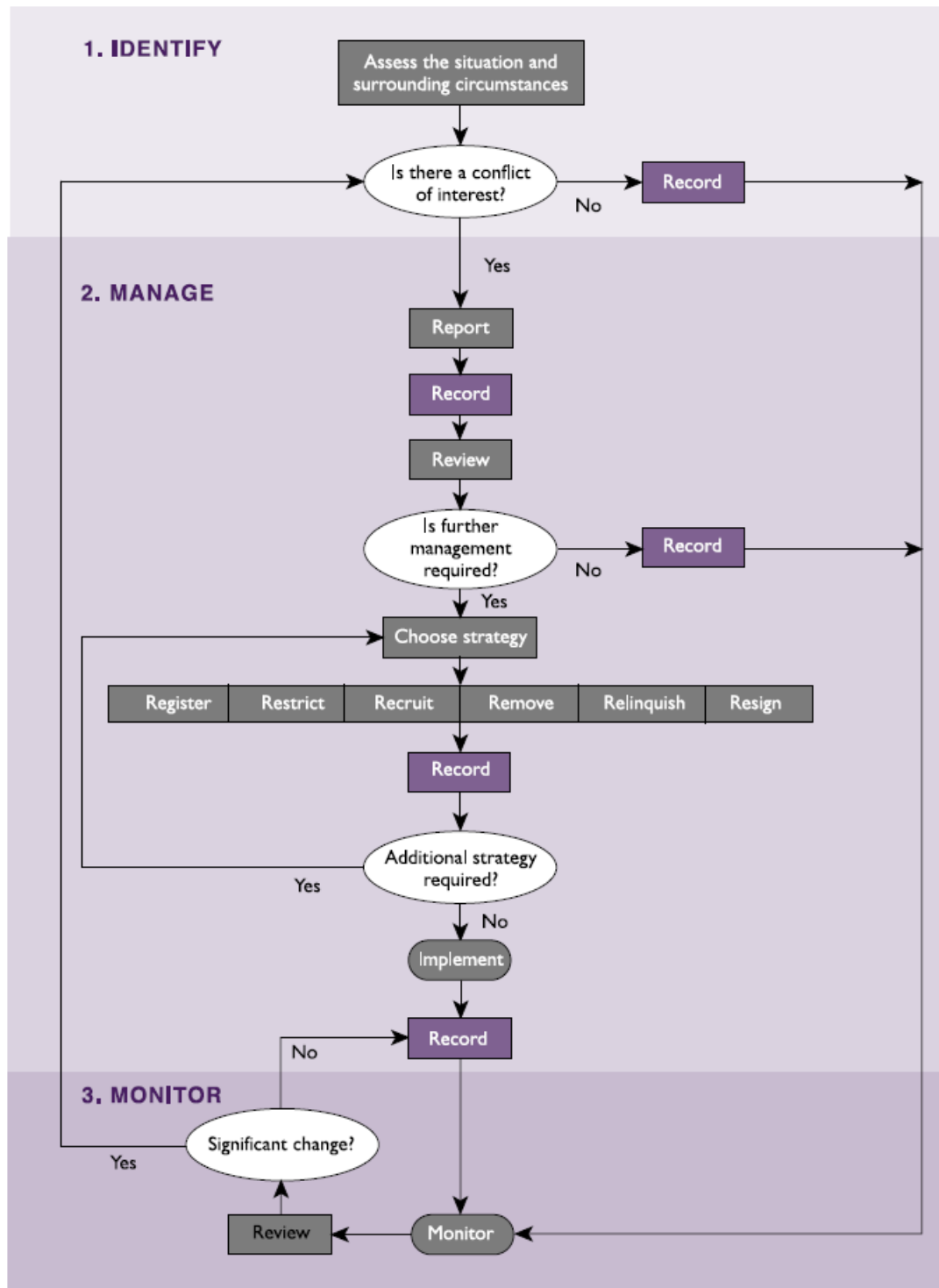
As soon as the employee becomes aware of a Conflict of Interest, they must register the Conflict of Interest and discuss it with their manager or supervisor to determine the most appropriate way of managing the situation.

It is important to recognise that a poorly-managed perceived or apparent Conflict of Interest can be just as damaging as a poorly-managed actual Conflict of Interest. The critical factor is that public employees must not only behave ethically, they must also be seen to behave ethically. Where a Conflict of Interest requires management the following strategies are should be applied.

SUMMARY OF CONFLICT OF INTEREST STRATEGIES

Management Strategy	When most suitable	When least suitable
Register - Staff should inform their manager where any actual or potential Conflict of Interest arises that impairs the full, effective and impartial discharge of their official duties.	<ul style="list-style-type: none"> • Very low risk conflicts of interest and potential conflicts of interest • Where the act of transparency through recording the Conflict of Interest is sufficient 	<ul style="list-style-type: none"> • The Conflict of Interest is more significant or of higher risk • The potential or perceived effects of a Conflict of Interest on the proper performance of the employee's duties require more proactive management.
Restrict - Where restrictions are placed on the public employee's involvement in the matter.	<ul style="list-style-type: none"> • The employee can be effectively separated from the parts of the activity or process • The Conflict of Interest is not likely to arise frequently. 	<ul style="list-style-type: none"> • The conflict is likely to arise more frequently • The employee is constantly unable to perform a number of their regular duties because of conflict issues.
Recruit - A disinterested third party is used to oversee part or all of the process that deals with the matter	<ul style="list-style-type: none"> • It is not feasible or desirable for the employee to remove themselves from the decision making process • Where the knowledge of the employee is necessary and not easily replaced. 	<ul style="list-style-type: none"> • The conflict is serious and ongoing rendering ad hoc recruitment of others unworkable • No third party is available or this is not appropriate.
Remove - Where an employee chooses to be removed from the matter.	<ul style="list-style-type: none"> • Ongoing serious conflicts where ad hoc restrictions or recruitment of others is not appropriate. 	<ul style="list-style-type: none"> • The conflict is of low risk or low significance.
Relinquish - Where the employee relinquishes the private interest that is creating the conflict.	<ul style="list-style-type: none"> • The employee's commitment is outweighed by their attachment to their private interest. 	<ul style="list-style-type: none"> • The conflict is of low risk or low significance
Resignation - where the options above are not practical or do not enable the matter to be resolved in a way that the employee is able to accept, then ultimately the option of resignation may need to be considered.	<ul style="list-style-type: none"> • No other options are workable 	<ul style="list-style-type: none"> • The conflict is of low risk or low significance • There are other options that would work.

MANAGEMENT AND MONITORING OF CONFLICT OF INTEREST FLOW CHART



STATEMENT OF CONFLICT OF INTEREST **RESOLUTION** OR MANAGEMENT

Proposed action to be taken to resolve or manage the Conflict of Interest:

The above action has been agreed on to resolve conflicts of interest declared by:

Employee:

Date:

Signature (Employee):

Signature (Manager):

Date: / /

Date: / /

STATEMENT OF **ADJUSTMENT** TO CONFLICT OF INTEREST RESOLUTION OR MANAGEMENT

Adjustment to action taken to resolve or manage the Conflict of Interest:

The above adjustment has been agreed on to resolve conflicts of interest declared by:

Employee:

Date:

Signature (Employee):

Signature (Manager):

Date: / /

Date: / /

STATEMENT OF FINALISATION OF CONFLICT OF INTEREST

<p>The Conflict of Interest declared by:</p> <p>on the following date:</p> <p>has been resolved and no further action is required.</p>	
<p>Signature (Employee):</p>	<p>Signature (Manager):</p>
<p>Date: / /</p>	<p>Date: / /</p>

DECLARATION OF NO CONFLICT OF INTEREST

Complete and sign this form if your assessment confirms you DO NOT HAVE:

- an actual, perceived or potential Conflict of Interest as a result of a conflicting private interest;
- a pecuniary or non-pecuniary interest; or
- competing duties,

CONFLICT OF INTEREST DECLARATION

I hereby declare that to the best of my knowledge, I DO NOT have:

- any financial interest in the supply of goods or services for this Committee/Working Group or Procurement;
- any relatives, friends or associates with a financial interest in the supply of goods or services related to NA;
- any personal bias, inclination, personal obligation, allegiance or loyalty which would in any way affect my decisions in relation to the evaluation of the tenders/responses/committees/working group; except as set out below:

I undertake to make a further declaration detailing any conflict, potential conflict or apparent conflict, which may arise during the duration of my involvement with Committee/Working Group or Procurement. I agree to abstain from any decision where such a conflict arises.

CONFIDENTIALITY AGREEMENT

I am aware that all discussions, meetings and written and electronic material relating to this Committee/Working Group or Procurement and are confidential are subject to the conditions of the Confidentiality Agreement. I have signed as part of my employment at or engagement with National Ambulance. I will take all necessary precautions to prevent unauthorised access to or copying of the written and electronic material in my control.

Name: _____ Dept: _____

Signed: _____ Dated: _____

DECLARATION OF CONFLICTS OF INTEREST

Complete and sign this two-page form if your assessment confirms you DO HAVE:

- an actual, perceived or potential Conflict of Interest as a result of a conflicting private interest;
- a pecuniary or non-pecuniary interest; or
- competing duties,

Please complete the following questions. Remember, we recognise that conflicts of interest will occur in the course of working for NA. Conflicts of interest are not wrong and therefore should not be kept quiet or hidden. The best practice is to identify them and manage them.

SUMMARY OF IDENTIFIED CONFLICT OF INTEREST

Describe the matter or issue being considered and the situation in which you are involved: (ensure you outline both sides of the issue, e.g. I have a family member/friend/associate who is tendering to the NA on a project I have involvement with. Specifically.... (Describe the situation). OR - I have a current personal, professional, financial relationship or Association of significance with an interested party. The interested party is....)

What is your public duty in serving the public interest? (What is your specific involvement and how would the public interest be compromised).

Public Duty: All NA staff have a duty to always put the public interest above their own personal or private interests when carrying out their official duties.

Public Interest: The public interest can be defined as the interest of the community as a whole. It is not the sum of individual interests nor the interest of a particular group, but the collective interest of the entire community.

CONFIDENTIALITY AGREEMENT

I am aware that all discussions, meetings and written and electronic material relating to Committee/Working Group or Procurement are confidential and are subject to the conditions of the Confidentiality Agreement I have signed as part of my employment at or engagement with the National Ambulance (NA). I will take all necessary precautions to prevent unauthorised access to or copying of the written and electronic material in my control.

CONTACT WITH SUPPLIERS

For the benefit of doubt, if I am involved in other NA business activities with a potential Supplier I will not discuss any matter relating to Committee/Working Group or Procurement without the approval of the appropriate Chair, Procurement Adviser/Project Manager.

Name: _____ Dept: _____

Signed: _____ Dated: _____