



Procedures

How do I declare a Conflict of Interest?

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1. Introduction

This document outlines the procedures for staff to declare conflicts of interest.

2. Why recognising and declaring Conflicts of Interests is important

Having Interests is ok

Everyone has a life and relationships beyond our work which is why we all face the potential for having interests that require declaring. There is nothing unusual, wrong or unethical in having interests that require declaring. The key is to tell your Manager about these things when they arise so they can manage it with you.

Interests pose risks for you/Department if unmanaged and/or not declared

Everyone (staff, contractors, consultants, secondees, interns and volunteers) is responsible for regularly reviewing their own interests and disclosing any actual (real), potential or perceived conflict of interest with their Manager. This is important as there's a risk to you and the Department if they aren't declared and managed appropriately.

The risk with not declaring interests is that this could be perceived by others as an attempt by you to conceal it and may lead to your integrity being called into question. Your actions and/or decisions are, or may appear to be, influenced or motivated by private interests and your independence; objectivity or impartiality may be queried.

The Department's Code of Conduct also requires that all staff must take reasonable steps to avoid situations or behaviour that could be considered a conflict of interest (actual, perceived or potential) or conflicts with the Code or with the Department's objectives and obligations and disclose details of any interests associated with being employed by the Department. Non declaration of a conflict of interest could result in your non declaration being managed as a conduct and behaviour issue under the *Responding to Staff Conduct and Behaviour Policy*.

Perception (how it looks) is just as important as reality (what actually happens)

Be aware of perceptions as these can affect trust, behaviour and reputation. Think about how your actions might look to someone outside the team or the Department. Consider:

- What activities you do that could be susceptible to interests (actual, perceived or potential) and how you manage them
- How you demonstrate professionalism, fairness, impartiality, robustness and objectivity in your duties and decision making to minimise or eliminate complaints that you have been compromised.

Declaring your interests keeps you safe from these perceptions or any allegations of inappropriate conduct. If you're not sure talk to your Manager as they are here to help.



3. High Level Process

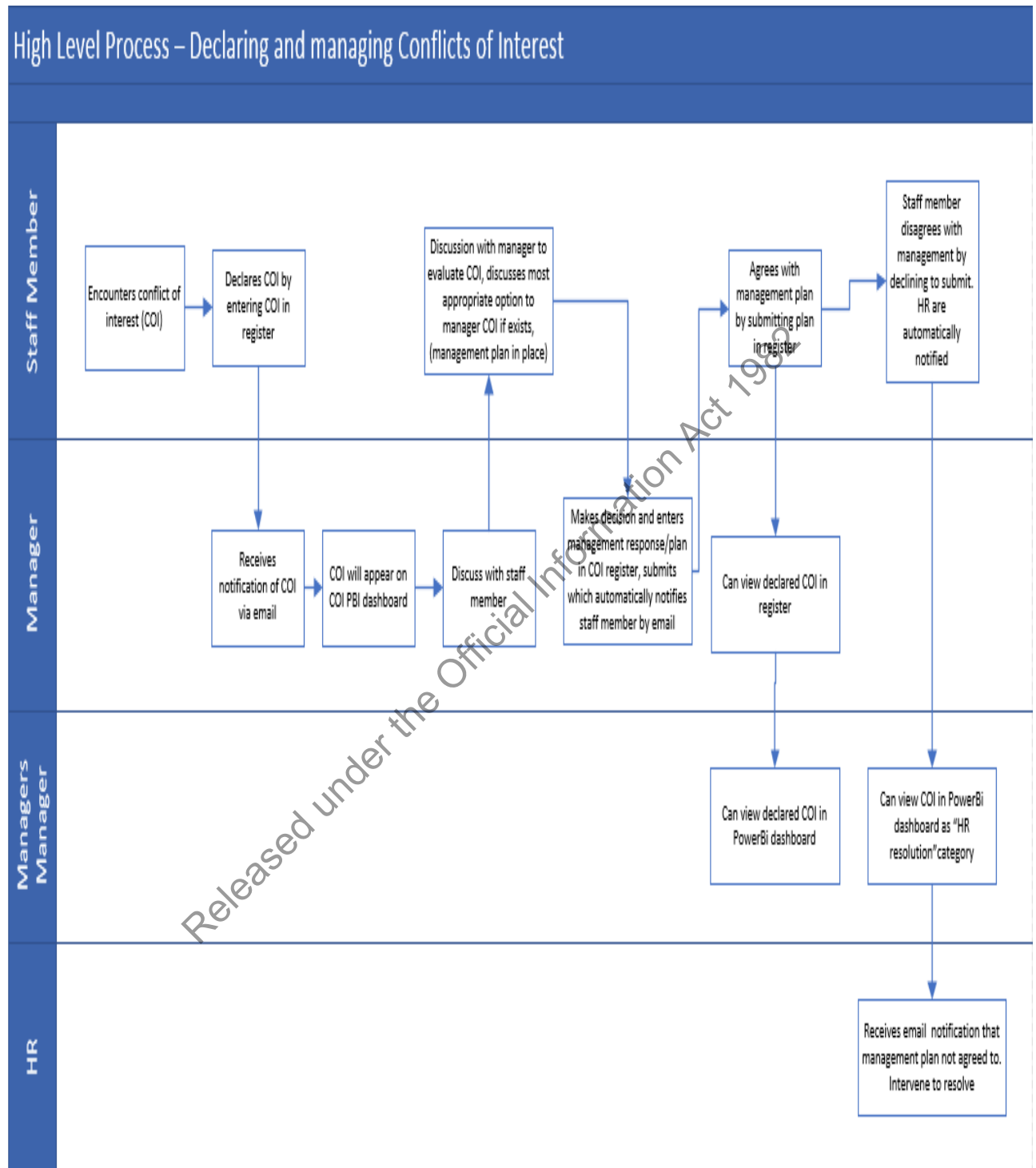


Figure 1: High level process on how conflicts of interest are declared and managed

4. Conflicts of interest procedures

Staff member declares a conflict of interest by completing a conflict of interest declaration form

	Procedure	Explanation	Comment
1	<p>Staff member registers a conflict of interest</p>	<p>All Staff need to declare conflicts of interest You must declare any interests as they arise (including gifts, offers of hospitality or other benefits, recruitment and procurement) by registering a conflict of interest in the register. You can access the register here.</p> <p>You need to fully describe what the interest is, when it arose and provide the names of anyone involved in the interest.</p> <p>Moving to different position within the Department If you have a declared conflict of interest and you move to a different position within the Department, you must advise your new supervisor of the existing conflict of interest and provide them with a copy of the management plan which is listed on the conflict of interest declaration form.</p> <p>You must also advise your Manager about any changes to the conflicts of interest so that they can review the conflict of interest and management plan with you and decide what action to take if any.</p> <p>Similarly, prior to accepting a new position, you must discuss with your new Manager whether the new position creates any actual,</p>	<p>Conflicts of interest can occur at any time during your employment with the Department starting from the time you apply for a role in Corrections, to your appointment and any subsequent roles within the Department.</p> <p>You will be asked to declare any conflicts of interest as part of the recruitment process and as they occur.</p> <p>All conflicts of interest declarations and discussions and decisions about them must be recorded in the conflict of interest register.</p> <p>You will be alerted at the end of the nominated management plan review period and asked to make any necessary changes to the Conflict of Interest Declaration in the register. The purpose of a review is to ensure that you are considering, on a</p>

	Procedure	Explanation	Comment
		<p>perceived or potential conflicts of interest. Your new Manager will review the conflict of interest and management plan with you and decide what action to take if any.</p> <p>Senior Managers (Tier 4 and above) Senior Managers are expected to set an example in identifying and disclosing any interests relevant to their work, given their level of influence on decisions about matters of public significance.</p> <p>They need to fully describe what the interest is, when it arose and provide the names of anyone involved in the interest and follow the same process as set out in these procedures.</p>	<p>whether or not your circumstances give rise to a conflict of interest and to discuss any conflicts of interest under management.</p>

Manager notifies HR and their manager of the conflict of interest and discusses your declaration of interest with you

	Procedure	Explanation	Comment
2	<p>Manager notifies HR and their manager and discusses conflict of interest with you</p>	<p>Once your conflict of interest declaration has been entered, your Manager will:</p> <ul style="list-style-type: none"> • be notified via email • Will then meet with you to discuss the declaration and • Will determine whether or not a conflict of interest exists, and • If one does, will determine what steps can be put in place to best manage it by completing a management plan in the register. 	<p>Managing an interest may require a close examination of:</p> <p>(a) what is important to you as a staff member and to the priorities you place on the job, family and friends, community, your reputation, and</p> <p>(b) the reputation of the Department.</p> <p>If in doubt declare the conflict of interest.</p>



Manager makes decision on conflict of interest

	Procedure	Explanation	Comment
3	Manager makes decision on conflicts of interest	<p>Your Manager is responsible for deciding on the most appropriate way to manage the conflict, having consulted you and having sought advice from Human Resources (HR) or their own Manager, if appropriate. Some options that they may consider for managing a conflict of interest could include:</p> <p>(a) Declining and Disposing of offers of gifts, benefits, favours and hospitality that you have received in line with the Sensitive Expenditure Policy- other types of expenditure (noting that in some circumstances gifts of hospitality such as food, drinks and entertainment may be accepted)</p> <p>(b) Taking no action</p> <p>(c) Enquiring as to whether all affected parties will consent to your involvement</p> <p>(d) Restricting: imposing restrictions on your further involvement in the matter. For example: restricting or abandoning the interest or</p>	

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Procedure	Explanation	Comment
	<p>activity giving rise to the conflict or withholding certain confidential information, or placing restrictions on access to information or imposing additional oversight or review over you</p> <p>(e) Exemption- seeking a formal exemption to allow participation</p> <p>(f) Transferring you (temporarily or permanently) to another position or project</p> <p>(g) Reviewing: organising a review of the process to verify its integrity by an independent person. For example bringing in an independent person into the process/decision making, and document the process to increase the transparency and independence of decision</p> <p>(h) Removing: removing you completely from the matter</p> <p>(i) Relinquishing: you relinquishing (or divesting) the private interest that created the interest at work where that is practicable. For example:</p> <ul style="list-style-type: none">○ Agreeing not to act or participating in any action relating to that interest now or in the future○ Re-assigning certain tasks or duties to another person○ Direction not to do something	



	Procedure	Explanation	Comment
		<ul style="list-style-type: none">○ Transferring the duty or the decision making from you to another staff member or Manager unaffected by the interest○ Formally withdrawing from any involvement (discussion or decision making) in the situation giving rise to the interest, and ensure you receive no further information concerning the matter <p>(j) Referring the matter to Integrity Support Team (IST) if the conflict of interest has an integrity component associated with it that needs investigation under the <i>Addressing Fraud Corruption Dishonesty and Other Criminal Activity Policy</i></p> <p>(k) Resignation from one or other position.</p> <p>When an interest cannot be resolved and the options are not practical or if they do not enable the matter to be resolved on a basis which you as a staff member are able to accept, then ultimately your Manager may need to deal with the conflict of interest as a conduct or behaviour issue under the <i>Department's Responding to Staff Conduct and Behaviour Policy</i> and procedure.</p>	

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Manager records decision in the conflict of interest declaration form

	Procedure	Explanation	Comment
4	<p>Manager records their decision in the conflict of interest register</p>	<p>Your Manager will then record their decision and actions they will take (management plan) in the conflict of interest register. They will do this within 5 working days of having received your declaration.</p> <ul style="list-style-type: none"> • Where a decision is then made that there is no conflict of interest, the decision and the reasons for it must be recorded in the register • Where a conflict of interest has been found, the conflict of interest and the agreed management plan must be recorded in the register • Where a conflict relates to a procurement process, the Chief Procurement Officer must be consulted as soon as possible • Where a decision is made that there is a conflict of interest that needs referral to IST or it cannot be resolved this must be recorded in the form and the staff member advised it is being dealt with as a conduct issue. <p>Your Manager will also advise their Manager what they did.</p>	

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Management plan accepted and signed off and a meeting scheduled for follow up

	Procedure	Explanation	Comment
5	Management plan accepted and signed off	You will be notified by email when your manager has completed the management plan. You are then able to accept or decline the management plan. They will also schedule a follow up meeting in to meet with you to discuss the conflict.	

Process in place to deal with complaints

	Procedure	Explanation	Comment
6	Process in to deal with Complaints	If you don't agree on how a Manager proposes to respond to a conflict of interest you can decline to accept in the COI register. HR are automatically advised and will be in touch to resolve	

Conflict of Interest is monitored

	Procedure	Explanation	Comment
7	Conflict of interest is monitored by your manager	Your Manager will monitor the conflict of interest that has been declared. For example if they have put restrictions steps in place to manage the interest they will make sure that you have complied with their decisions. They will have regular conversations with you about it by way of scheduling meeting invites to talk to you.	



Frequently Asked Questions:

When do I need to declare whether I have a conflict of interest?

All conflicts of interest declarations and discussions and decisions about them must be recorded in the Department's centralised conflicts of interest register when you join the Department and when conflicts of interest arise during your employment.

You will be asked to declare any conflicts of interest as part of the recruitment process and again when you are appointed to the Department. You will receive an email advising you of this and providing a link to the register. You must advise your Manager about any changes to the conflicts of interest. You will also be asked at the end of the nominated review period to make any necessary changes to a Conflict of Interest. The purpose of a review is to ensure that you are considering, on a regular basis, whether or not your circumstances give rise to a conflict of interest and to discuss any conflicts of interest under management.

If you have a declared conflict of interest and you move to a different position within the Department, your supervisor will be able to view the conflict of interest in the register as it will automatically follow your movement within the department's hierarchy. Prior to accepting a new position, you must discuss with your new Manager whether the new position creates any actual, potential or perceived conflicts of interest. Your new Manager will review the conflict of interest and management plan with you and decide what action to take if any.

How will I know if I have a conflict of interest?

The Department has a broad range of responsibilities and there are many different circumstances that could give rise to an actual, potential or perceived conflict of interest. The conflicts of interest policy contains some examples of the conflicts of interest that could occur in the Department to help you assess whether or not you may have a conflict of interest. It is not a definitive list so if you have any doubts please declare the interest and seek further advice.

What should I do if I think I may have a conflict of interest?

Conflicts can and do arise in the normal course of duties. If you believe you may have a conflict of interest, or are unsure you must discuss it as soon as practicable with your direct supervisor or one up Manager so that a way to resolve the conflict can be worked out. You will be required to make that declaration by entering the information into the register.

Why do I need to declare:

- Past or current associations with gangs as well as any family or friends who have or are currently undertaking custodial or community service sentences,
- Current or past relationships with a person who has or is currently undertaking custodial or community service sentence
- Current or past employment/volunteer roles



The Department will assess these actual, perceived or potential conflicts of interest under these procedures to ensure that these conflicts of interest do not conflict with your role and duty to the Department and that they can be managed with no safety or perception issues.

What are my Responsibilities?

- Seek advice from your Manager if you have a question or are unsure about a conflict of interest
- Declare all actual, perceived or potential conflicts of interest by logging them in the register. This includes any conflicts of interest that relate to recruitment and/or procurement activities before any recruitment/procurement begins.
- Tell your Manager of any change of circumstances relating to any current or potential conflict of interest situations
- Comply with the management plan your Manager has developed to mitigate the risks posed by the conflict
- Ensure your new supervisor or one up Manager is aware of the conflict if you move to a different area, and provide a copy of any existing management plan to them
- Declare any gifts received

What do I do if I know about a conflict of interest that someone else has that hasn't been declared or isn't being addressed?

If you know about a conflict of interest that hasn't been declared or isn't being addressed and are concerned, you can raise your concern through a number of channels including:

- Informing your direct line Manager
- Informing another Manager in the Department including any National or Regional Commissioner or Deputy Chief Executive
- Informing Human Resources (HR) through your regional HR Manager or HR Adviser
- Informing the General Manager Safety and Wellbeing if there are safety concerns
- Emailing the Integrity Support Team (IST) on integrity@corrections.govt.nz
- Call the Integrity Phone Line 0800267000
- Where you think it is not appropriate to tell any of these people, informing the Chief Executive in person or in writing
- Where you are unsure about whether or how to raise the matter, talking to an external person such as your union representative or lawyer

How is the personal information in my declaration protected?

Only those directly involved with the management of the conflict of interest will have access to the information in your declaration. All information must be handled in accordance with the Privacy Act 1993.



Did you know gifts, offers of hospitality or other benefits are Conflict of Interests you need to declare?

This is because accepting gifts, offers of hospitality, favours or other benefits might be perceived as an Interest and that you have been 'compromised'. As a general rule we should decline 'gifts offers, benefits' that it may place us under any obligation or perceived influence. This will ensure that our actions, decisions, independence, objectivity or impartiality can't be called into question. Refer to [Sensitive Expenditure policy/receiving gifts and Gratuities](#) for more detail on what to do.

What happens if the conflict of interest involves criminal activity?

When a conflict of interest is suspected to involve criminal activity, the matter must be referred as soon as possible to the Integrity Support Team (IST) because of their nature and the potential risks they pose to the Department (refer to the *Addressing Fraud, Corruption, Dishonesty and Other Criminal Activity Policy* and procedure). In such situations, IST, HR and the Manager (collectively) will determine whether an investigation is required and any potential referral to a law enforcement agency such as NZ Police or the Serious Fraud Office.

Why is it important for Senior Managers to declare conflicts of interest?

Senior Managers are expected to set an example in identifying and disclosing any interests relevant to their work, because of their level of influence on decisions about matters of public significance.

How will the Department deal with conflict of interests associated with Procurement Activities?

When working with other stakeholders, including contractors, consultants and service providers, the Department will communicate expectations, identify potential conflict of interest areas before any contract starts, and develop and document appropriate responses to manage risks in a potential conflict situation in line with the Department's [Procurement Policy](#).

Where can I get help?

You can get help and support from your direct line Manager or Human Resources.