



Royal Australasian College  
of Dental Surgeons  
*Let knowledge conquer disease*

# Conflict of Interest

February 2020

### *Document Information*

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<b>Previous Version</b>	<i>First version</i>

## 1. Purpose and scope

# Board Policy – CONFLICT OF INTEREST

## INTRODUCTION

### 1. Policy

The purpose of this Conflict of Interest Policy is to provide guidance in identifying and handling potential and actual conflicts of interest involving the College and its activities.

This policy primarily relates to Board Directors, committee members and senior staff, but is intended to raise awareness of conflict of interest issues and provide guidance to all those who fulfil a role with the College.

In the majority of cases, conflicts of interest can be avoided simply by being aware of the potential for conflict and the exercise of good judgment.

The College is committed to the highest levels of integrity. Board directors, committee members, senior staff and representatives of the College are expected to conduct their relationships with the College, each other and outside organisations with fairness and honesty.

It is expected that the College Board directors, committee members and senior staff are obligated to avoid and disclose ethical, legal, financial, or other conflicts of interest involving the College and remove themselves from a position of decision-making with respect to any conflict situation involving the College.

### 2. Basic Definitions

In summary, a conflict of interest may occur if an interest or activity influences or appears to influence the ability of an individual to exercise objectivity, or impairs the individual's ability to undertake his or her responsibilities, employment or other responsibilities, in the best interests of the College.

An individual is considered to have a potential conflict of interest when:

- He or she or any member of his or her family\* may receive a financial or other significant benefit as a result of the individual's position with the College;
- The individual has the opportunity to influence the College's business, administrative, or other material decisions in a manner that leads to personal gain or advantage; or
- The individual has an existing or potential financial or other significant interest that impairs or might appear to impair the individual's independence in the discharge of their responsibilities to the College.

*\* The 'family' of an individual includes his or her spouse, domestic partner, parents, siblings, children, and any other relative who resides in the same household.*

### **3. Disclosure and Management of Conflicts of Interest**

Should an appearance or actual conflict of interest exist, appropriate actions must be taken, which will vary depending upon the particular facts.

Where the issue is considered to be warranted, the Board director, committee members or senior staff member involved in the conflict situation, should work cooperatively with the President/CEO (for Board Directors), Committee Chair (for committee members) or the CEO (for Staff) to achieve a resolution of the conflict issues in the best interests of the College. This resolution may include the Board member, committee members or senior staff member being removed from a position of decision-making authority with respect to the conflict situation.

In most instances the situation can be avoided by the Board member, committee member or senior staff member involved, declaring the conflict and withdrawing from discussion and/or decision making regarding the issue of conflict.

All Board directors will declare their known conflicts of interest at commencement of their engagement as a Director by way of the Competing Interests form, which is recorded in the College's Potential Conflicts of Interest Register. At each meeting of the Board, directors have an opportunity to add new conflicts of interest or update their conflicts of interest which is recorded in the minutes and updated in the Register. A similar process is expected for College committees.

### **4. Examples of Conflict of Interest Activities and Relationships**

The following activities illustrate types of potential or actual conflicts of interest that should be avoided and disclosed, as applicable, in accordance with this policy. The list is not all inclusive and is intended to provide guidance only.

- **Conflicting duties:** Participating in decisions relating to your employer that may be seen or perceived as being a conflict e.g., consideration of a report or recommendation that may result in a conflict with the interests of the College.
- **Self-benefit:** Using your position or relationship within the College to promote your own interests or those of your family, including using confidential or privileged information gained in the course of your participation as a Board member, Board committee or employment at the College for personal benefit or gain or for the personal gain or benefit of family members.
- **Conflicting relationships:** In a situation where the relationship between an examiner and examinee may compromise an unbiased assessment/report or exercise of influence.
- **Influence peddling:** Soliciting or accepting benefits for yourself or your family from outside the College in exchange for using your influence to advance the interests of that organisation within the College.
- **Other business relationships and dealings:** Approving contracts or agreements with organisations in which you or your family have a significant financial or other interest or relationship, particularly if you are in a position to influence major decisions, are responsible for review, negotiation and approval of contracts or agreements, or otherwise direct the College business dealings with that entity or business.
- **Intellectual Property:** Inappropriate or unauthorised use of materials developed under the sponsorship of the College or potential conflicts relating to the development and use of educational material.

- Outside commitments: Participating in social or political activities is not restricted as long as you participate as an individual and not as a representative of the College.
- Property transactions: Directly or indirectly leasing, renting, trading, or selling real or personal property to the College.
- Use of the College property for personal advantage: Using or taking the College resources, including facilities, equipment, personnel or supplies for private use or other unauthorised non- College activities.
- Recording or reporting false information: Misrepresenting, withholding, or falsifying relevant information required to be reported to external parties or used internally for decision-making purposes, in order to derive personal benefits.
- Gifts: You personally or your family, accepting anything of value (unless nominal – generally A\$100 or less), including without limitation, payments, gifts, or loans from organisations or individuals that have dealings with the College.
- Other work or activities: Paid or unpaid work performed in addition to your duties with the College that may be in conflict or opposition to your role with the College. This may also include other activities that lead to a perception of a conflict or advantage obtained directly to another organisation, participant of a program (either the College's or other organisation), or the Board, Committee member or Staff directly.

## **5. Declarations of Conflict of Interest at Board meetings**

Board directors are required to advise the Board at each meeting:

- whether they have new conflicts of interest to declare;
- whether any existing conflicts of interest has changed;
- whether they have any conflicts of interest relating to listed agenda items.

The College Board agendas will provide an item on the agenda at the beginning of each meeting for such declarations, which are recorded in the minutes of the meeting. Any additional or amended conflicts of interest will be also be recorded in the College's Potential Conflict of Interest Register.

## **6. Raising concerns relating to perceived or actual conflicts of interest**

Enquiries and concerns in relation to perceived bias or conflict of interest of a Board Director, committee member or staff member may be raised in writing and directed to the College's CEO.

If the concern relates to a Director, the CEO will escalate the matter directly to the College's President. To ensure all concerns raised with the CEO are responded to and managed appropriately, the CEO will table all correspondence relating to conflict of interest at the next available meeting of the Board.

All enquiries and concerns raised will be responded to in writing by the College's CEO.

## **7. Conflict of interest questionnaire**

The College requires each Board Director, committee members and senior staff to:

1. review the Conflict of Interest Policy (the "Policy");
2. disclose any possible personal, familial, or business relationship that reasonably could give rise to a conflict of interest or the appearance of a conflict of interest in the Competing Interests form (see Attachment A); and
3. acknowledge by his or her signature that he or she is acting in accordance with the letter and spirit of such Policy.
4. the information provided on this form will be kept by the CEO. These questionnaires shall be available for inspection by the Board Directors, but shall otherwise be held in confidence except when, after consultation with the applicable Board Director, the Board (or the CEO in the case of a managerial-level staff) determines that the College's best interest would be served by disclosure.
5. Should a Board director's personal situation change so that it would give rise to a conflict of interest or the appearance of a conflict of interest then they should identify this to the Board at the next Board or Committee meeting.
6. Should a senior staff members' personal situation change so that it would give rise to a conflict of interest or the appearance of a conflict of interest then they should complete a new questionnaire so as to disclose that change in situation.



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## COMPETING INTERESTS

### DECLARATION FORM

Board of Directors, Members and Fellows engaged with the governance or delivery of College programs, the Chief Executive Officer and Senior Managers of the Royal Australasian College of Dental Surgeons (RACDS) must declare any direct or indirect personal relationships, affiliations or associations that they have which may give rise to any actual or perceived competing interests in relation to their work with RACDS.

#### Defining Competing Interests

Competing interests exist when it is likely that you could be influenced, or could be perceived to be influenced, by other professional or personal interest in carrying out your Board duties. A competing interest that leads to partiality in decision-making may constitute corrupt conduct.

Examples of issues that may give rise to a competing interest include:

- Having a professional interest or affiliation with another organisation, committee or board where the aims and objectives of that organisation, committee or board intersect with those of the College
- having a financial interest in a matter that the College deals with or being aware you have friends or relatives with such an interest
- having personal beliefs or attitudes that influence the impartiality of your advice
- having personal relationships with the people that Board is dealing with that go beyond a normal professional working relationship
- participating in a recruitment process where there is a personal relationship with an applicant, e.g. spouse, family member, etc. This includes past or present relationships
- being active in any political party or as a representative for a political party, cause or movement that may influence your College duties

Should any competing interests be declared, the President and/or Chief Executive Officer shall assess this and make recommendations using the Resolution/Management document set out at Attachment A.

# DECLARATION

NAME and POSITION	DECLARATION YEAR
<i>Eg Bill Smith, Member Board of Studies FRACDS (GDP)</i>	

I declare that I **do not** have any matters which might give rise to a real or perceived competing interest. *Please sign the form and return to the College.*

OR:

I declare that I **do** have matters which might give rise to a real or perceived competing interest. *Please sign the form, complete Attachment A and return to the College.*

(Describe the nature of the interest)

By signing below, I agree that I understand the principles of competing interest disclosure and I have made a full and frank disclosure of all matters that may put me in a competing interest situation in performing my duties. I acknowledge that non-disclosure could result in action being taken to terminate my work with the College.

**Signature:** .....

**Date:** .....

**The completed form should be submitted to:**

Chief Executive Officer  
[ceo@racds.org](mailto:ceo@racds.org)



## COMPETING INTERESTS RESOLUTION OR MANAGEMENT

### STATEMENT OF COMPETING INTEREST/S RESOLUTION OR MANAGEMENT

Proposed action to be taken to resolve or manage the competing interest/s:

The above action has been agreed on to resolve competing interests declared

by ..... on .....

.....  
Signature (Chief Executive Officer)

.....  
Signature (President)

Date .....

Date .....

The following is to be filled in if the statement above requires amendment over time or with change of circumstances.

### STATEMENT OF ADJUSTMENT TO COMPETING INTERESTS RESOLUTION OR MANAGEMENT

Adjustment action taken to resolve or manage the competing interest/s:

The above action adjustment has been agreed on to resolve the competing interest/s declared

by ..... on .....

.....  
Signature (Chief Executive Officer)

.....  
Signature (President)

Date .....

Date .....

The following is to be filled in if and when the competing interest ceases, or ceases to be relevant.

**STATEMENT OF FINALISATION OF COMPETING INTEREST/S**

The competing interest/s declared by ..... on .....  
has now been resolved in the following way, and no further action is required:

.....  
Signature (Chief Executive Officer)

Date .....

.....  
Signature (President)

Date .....

**Privacy Collection Notice** This collection notice describes how Royal Australasian College of Dental Surgeons (RACDS) collects and manages personal information. This notice is provided pursuant to Australian Privacy Principle (APP) 5 of the Privacy Act 1988 (Cth) (Privacy Act). RACDS is also considered to be a data controller for the purposes of the General Data Protection Regulation (GDPR) in relation to the collection of personal information from individuals located in the European Union. For further information about how RACDS collects and manages personal information, see our Privacy Policy available at: <https://www.racds.org/privacy>



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## COMPETING INTERESTS

### DECLARATION FORM

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#### Defining Competing Interests

Competing interests exist when it is likely that you could be influenced, or could be perceived to be influenced, by other professional or personal interest in carrying out your Board duties. A competing interest that leads to partiality in decision-making may constitute corrupt conduct.

Examples of issues that may give rise to a competing interest include:

- Having a professional interest or affiliation with another organisation, committee or board where the aims and objectives of that organisation, committee or board intersect with those of the College
- having a financial interest in a matter that the College deals with or being aware you have friends or relatives with such an interest
- having personal beliefs or attitudes that influence the impartiality of your advice
- having personal relationships with the people that Board is dealing with that go beyond a normal professional working relationship
- participating in a recruitment process where there is a personal relationship with an applicant, e.g. spouse, family member, etc. This includes past or present relationships
- being active in any political party or as a representative for a political party, cause or movement that may influence your College duties

Should any competing interests be declared, the President and/or Chief Executive Officer shall assess this and make recommendations using the Resolution/Management document set out at Attachment A.

# DECLARATION

NAME and POSITION	DECLARATION YEAR
Bill Smith, Member Board of Studies FRACDS (GDP)	2020

I declare that I **do not** have any matters which might give rise to a real or perceived competing interest. *Please sign the form and return to the College.*

OR:

I declare that I **do** have matters which might give rise to a real or perceived competing interest. *Please sign the form, complete Attachment A and return to the College.*

(Describe the nature of the interest)

I have a daughter who is planning to enrol in the Primary Examinations at the end of 2020.

By signing below, I agree that I understand the principles of competing interest disclosure and I have made a full and frank disclosure of all matters that may put me in a competing interest situation in performing my duties. I acknowledge that non-disclosure could result in action being taken to terminate my work with the College.

**Signature:** .....

**Date:** .....

**The completed form should be submitted to:**

Chief Executive Officer  
[ceo@racds.org](mailto:ceo@racds.org)

## COMPETING INTERESTS RESOLUTION OR MANAGEMENT

### STATEMENT OF COMPETING INTEREST/S RESOLUTION OR MANAGEMENT

Proposed action to be taken to resolve or manage the competing interest/s:

I intend to absent myself in any discussion during Board of Studies meetings or in subsequent email correspondence when and if the Board of Studies discusses issues surrounding the Primary Examination for 2020.

The above action has been agreed on to resolve competing interests declared by <insert name> on <insert date>.

.....  
Signature (Chief Executive Officer)

.....  
Signature (President)

Date

Date

The following is to be filled in if the statement above requires amendment over time or with change of circumstances.

### STATEMENT OF ADJUSTMENT TO COMPETING INTERESTS RESOLUTION OR MANAGEMENT

Adjustment action taken to resolve or manage the competing interest/s:

The above action adjustment has been agreed on to resolve the competing interest/s declared by <insert name> on <insert date>.

.....  
Signature (Chief Executive Officer)

.....  
Signature (President)

Date

Date

The following is to be filled in if and when the competing interest ceases, or ceases to be relevant.

### STATEMENT OF FINALISATION OF COMPETING INTEREST/S

The competing interest/s declared by *<insert name>* on *<insert date>* has now been resolved in the following way, and no further action is required:

.....  
Signature (Chief Executive Officer)

Date

.....  
Signature (President)

Date

SAMPLE

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