

Policy

Conflict of Interest Policy

Impartiality is a critical element of a fair complaints handling process. Impartiality requires that the case coordinator or reviewer comes to the complaint with an open mind and without any pre-existing ideas about the outcome. The integrity of a complaints handling process relies not only on the absence of any actual bias but also on the appearance of decisions being unaffected by bias. To ensure the confidence of all parties in the Parliamentary Workplace Support Service (PWSS), staff are trained and encouraged to disclose conflicts of interest that might affect or appear to affect their handling of complaints.

What is a conflict of interest?

There may be different kinds of conflicts of interest in the context of the PWSS:

- **Actual:** where there is a direct conflict that has occurred or is occurring between the duties of a PWSS officer or independent reviewer and a competing interest or obligation.
- **Perceived or apparent:** where it is perceived, or appears to be, a conflict between the duties and responsibilities of a PWSS officer or independent reviewer and a competing interest or obligation – whether or not that is the case.
- **Potential:** where there is the possibility of a conflict occurring between the duties of a public official and a competing interest or obligation.
- **Conflict of duty/role:** where a PWSS officer or independent reviewer holds one or more position/role that may come into conflict with another to some degree or where the information obtained in the capacity of one role may/may appear to inappropriately influence decisions made in another.

In the context of the PWSS, a conflict may exist where:

- A PWSS officer or workplace reviewer knows one of the parties personally;
- A PWSS officer or workplace reviewer has a professional or business relationship in another capacity with one of the parties;
- A PWSS officer or workplace reviewer has knowledge of the incident being complained of outside the context of it being brought to the PWSS;
- A PWSS officer or workplace reviewer is involved in an organisation, group or other activity outside the PWSS that could or could appear to influence their decision-making in the PWSS.

While it may unavoidable that a conflict of interest exists in some cases, the PWSS will ensure conflicts are disclosed and managed effectively so that they have no bearing on your complaint.

Principles

The PWSS is committed to, and will uphold, the following principles in applying this Conflict of Interest Policy:

Honesty and integrity: PWSS officers and workplace reviewers are expected to maintain the highest levels of honesty and integrity in connection with their work. This involves placing the public interest above their private interests when carrying out actions or decision-making in the context of the PWSS. Behaving honestly and with

integrity is important to ensure public trust in the PWSS and its processes and giving parties to a complaint confidence in the system.

Accountability: all PWSS officers and workplace reviewers are accountable for avoiding wherever possible or identifying, disclosing and managing any actual, potential or perceived conflict of interest that applies to them. PWSS officers who are line managers are accountable for overseeing management of their direct reports' conflict of interest, modelling good practice and promoting awareness of the PWSS's Conflict of Interest Policy and processes.

Risk-based approach: the PWSS will take a proactive approach to assessing and managing conflict of interest risks. PWSS officers will be made aware of the conflicts inherent in their work and functions and will be expected to actively monitor risks.

Australian Public Service Code of Conduct

PWSS officers are employed by the Australian Public Service Commission and made available to work exclusively for the PWSS, and are therefore bound by the APS Code of Conduct ('the Code').

The Code is contained in section 13 of the Public Service Act 1999. Clause 1 of the Code requires APS employees to behave honestly and with integrity in connection with APS employment. Clause 7 of the Code provides that APS employees must take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment, and disclose details of any material personal interest of the employee in connection with the employee's APS employment. The PWSS has procedures in place to ensure its officers meet the requirements contained in the Code. These are outlined below.

Private interest disclosure

Staff of the PWSS will take reasonable steps to avoid any conflict of interest (real or apparent) in connection with their case management responsibilities and are required to disclose details of any material personal interest in connection with those responsibilities.

When first engaged by the PWSS, new PWSS officers are required to complete a private interest disclosure to disclose any material personal interests that may or may appear to influence their ability to discharge their responsibilities. Reviewers will similarly complete a private interest disclosure when they are initially engaged and each time they conduct a workplace review.

PWSS officers and workplace reviewers are required to regularly consider the relationship between their private interests and duties in the PWSS in order to identify any conflict of interest, and are required to update their private interest disclosure accordingly.

Reviewing conflicts on receipt of a complaint

Based on the parties to a complaint or the nature of the complaint, a conflict of interest could arise when a complaint is brought to the PWSS. For example, it may become clear that the PWSS officer has previously handled a complaint relating to one of the parties or knows one of the parties socially.

PWSS officers will be required to identify and disclose the existence of any conflict of interest to a more senior PWSS officer, who will be responsible for ensuring the management of the conflict. Where a party to a complaint has a concern regarding a potential conflict of interest, they are encouraged to raise this with the PWSS as early as possible.

The PWSS will take action to ensure any conflict of interest does not affect the complaint. This could involve assigning a different case coordinator to the complaint, or establishing information barriers as discussed below.

Information barriers

If a PWSS officer is identified as having confidential information that could affect the resolution of a complaint, the PWSS may create a temporary information barrier to quarantine that officer from the rest of the case

coordination team. The information barrier will separate the PWSS officer with the confidential information from any other case coordinators in the PWSS and will ensure no confidential information passes between them.

The PWSS implements effective information barriers by:

- **Communication between employees:** PWSS officers will be directed not to transmit confidential information or documents across an information barrier. The PWSS officer with responsibility for a complaint can only discuss the complaint with other officers who are authorised to have the information, and the discussions must be for work related purposes only.
- **Access to client records:** PWSS officers can only access client records if authorised to do so, and for work-related purposes only. All files are stored securely, and in such a way that they can only be accessed by authorised employees. Client records are protected by PWSS policies and operating procedures to ensure that only authorised employees can access them.
- **Administrative rules:** the PWSS' policies and operating procedures set out which staff are working or can work on a particular complaint and who staff can discuss a complaint with; ensure that only authorised officers access files, documents or electronic records about a matter, and; set out rules all staff need to follow to keep information confidential.

Impartiality of the PWSS

PWSS officers are not advocates; their job is to provide support to the parties and assist them to navigate the process in order to achieve the best outcome. PWSS officers are highly skilled professionals who take their obligation to act impartially and fairly to all parties seriously.

A single PWSS officer may handle one complaint, depending on the circumstances. However, the PWSS may assess that it is preferable for two separate PWSS officers to provide support to the complainant and respondent to a complainant.

Complaints and secondary review

If you believe your complaint has not been handled impartially, you can make a complaint to the PWSS (see contact details below). You should refer to the [Feedback and Complaints Policy](#) for further detail on the handling of complaints.

For more information about seeking secondary review, refer to the [Review of Decisions Factsheet](#).