

CONFLICTS OF INTEREST POLICY

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Directorate responsible for document:	Directorate of Finance, Procurement and Estates
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Policy Checklist

Policy name:	Conflict of Interests Policy
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Version 2.0	This is a refresh of the current Policy to reflect DOF issued guidance – HSC(F) 31-2021	01/09/2022	Fiona Jones and Sandra Judt

SHORT GUIDE TO THIS CONFLICT OF INTEREST POLICY

DO:

- Make sure **you** are aware of the Trust's Conflict of Interests Policy and follow it.
- Make sure if **you** are responsible for any staff that you understand the Policy, that your staff are made aware of this Policy and where to find it and apply it in your area.
- Make sure if you are a Board member, Assistant Director, Consultant, or work in finance, procurement, pharmacy, IT, Estates that **you** have a good working knowledge of the policy and follow it.
- Make sure **you** seek advice from your line manager in the first instance if you are not sure about the guidance in this Policy.
- Make sure that **you** (and your staff) are not put in a position where personal interests may come into conflict with Trust duties.
- Declare any relevant interests, and if in doubt, ask **yourself** the following questions:
 - Am I, or might I, be in a position where I or my family or friends could gain from the connection between my private interests and my employment or where it could be perceived by others that a gain could be made?
 - Do I have access to information, or contact with individuals, which could influence my decisions?
 - Could my outside interests be in any way detrimental to HSC, the Trust, or to patients' interests?
 - Do I have any reason to think I may be risking a conflict of interest?
 - If after asking these questions **you** are still unsure – **Declare it!**
- Inform **your** line manager if you take on new outside work and complete the 'additional employment section' of the Declaration of Interests Form.
- Raise any concern **you** may have in relation to fraud or potential bribery offences.

DON'T:

- Abuse your official position to obtain preferential rates for private gain.
- Interview a close personal friend or relative.
- Unfairly advantage one contractor over another.
- Undertake outside work that could compromise your Trust duties
- Show special favour in awarding contracts.

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1.0 INTRODUCTION

1.1 The primary responsibility of the Trust, as a public body, is to serve the public interest. Staff and Board members must therefore discharge their duties in a manner that is seen to be honest, fair and unbiased.

1.2 This policy reflects the ‘Seven Principles of Public Life’ known as the Nolan Principles which holders of public office need to uphold. Further details on these are provided in **Appendix 1**.

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Of these, Integrity reflects that ‘Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.’

1.3 The Trust determines to ensure that it inspires confidence and trust amongst its staff, suppliers and the public by demonstrating integrity and avoiding any potential or real situations of undue bias or influence in decision making.

Consequently, the Trust must ensure that perceived and actual conflicts of interest are identified and managed in a way that safeguards the integrity of staff and Board members and maximises

public confidence in the Trust's ability to deliver public services properly.

1.4 This Policy covers the four main stages to work through in relation to conflicts of interest: -

- **Identifying** a conflict of interest – actual, potential or perceived
- **Declaring** conflicts of interest
- **Managing** conflicts of interest; and
- **Publishing** registers of interest.

2.0 PURPOSE AND AIMS

2.1 The purpose of this policy is to ensure that individuals covered by the scope of the policy are aware that they must take decisions free from any potential or real situations of undue bias or influence in the decision-making of the Trust.

2.2 The aims of this policy are to:

- promote high standards in public life, ensuring that staff and Board members follow the key characteristics of propriety as defined in the Nolan Principles;
- set out the standards of conduct expected of all staff where their private interests might conflict with their duties as an employee and the steps the Trust will take to safeguard itself against potential conflicts of interest;
- protect the Trust, its staff and Board members from any appearance of impropriety which may be a risk to its reputation or a breach of the Bribery Act 2010.

3.0 POLICY STATEMENT

The Trust wishes to ensure that staff and Board members discharge their duties in a manner that is seen to be honest, fair and unbiased, in line with HSC values and the seven Nolan Principles of Public Life. It is the expectation of the Trust that any conflict of interest (actual or perceived) that arises in the course of conducting HSC business is declared.

4.0 SCOPE OF POLICY

4.1 This policy must be adhered to by each member of the Trust Board and all staff.

5.0 CONFLICTS OF INTEREST – FOUR MAIN STAGES

5.1 Identifying a Conflict of Interest/Types of Conflict

Key Principle: It is important that conflicts of interest (including potential/perceived conflicts) are identified at the earliest opportunity.

5.1.1 Actual Conflict of Interest

Conflicts of interest may arise where an individual's personal, or a connected person's interests and/or loyalties conflict with those of the Trust.

5.1.2 Potential or Perceived Conflicts of Interest

A conflict of interest can also be potential or perceived. A perceived conflict of interest exists where it could be perceived, or appears, that private-capacity interests could improperly influence the

performance of a Trust member of staff or Board member's official duties and responsibilities. It may pose no actual risk to the conduct of public business, but it requires proper management in order to minimise the risk of reputational damage both to the Trust and the individual(s) concerned. A perception of a conflict of interest can be just as significant as an actual conflict of interest – both should be avoided. The key issue is whether there is a risk that a fair-minded outside observer, acting reasonably, would conclude that there is a real possibility of bias.

- The interest in question need not always be that of the Board member or member of staff themselves. It can also include the interests of close relatives or friends and associates who could benefit, or have the potential to influence the member of staff or Board member's behaviour.

These individuals could include the following and any of their personal partners:

Close relatives – by blood or marriage	Grandchildren
Spouse/Partner	Brother
Parent	Sister
Grandparent	In-laws
Child	Cousins

It can also include close friends or associates as someone with whom the individual has a longstanding and/or close relationship, socialises with regularly or has had dealings with which may create a conflict of interest.

In order to identify and subsequently avoid real conflicts of interest or the perception of such, individuals must carefully consider whether an allegation of impropriety could be made against them, their family or friends and/or the Trust.

5.2 Declaring Conflicts of Interest

Key Principle: As soon as a member of staff or Board member identifies that they have any type of conflict of interest, it should be declared immediately to their manager. If in doubt, be over cautious and declare as it is better to be open and transparent.

5.2.1 Who should declare an interest?

- All staff on commencement are required to declare whether they have any interests by completing the Declaration of Interest Form **(Appendix 2)** and this declaration is held on their personal file in the HR Directorate. If a declaration of interest is declared, the form is also forwarded by the HR Directorate to the relevant manager and Board Assurance Manager. A similar process is applied for volunteers and held by the relevant Volunteer Coordinator.
- If an interest arises subsequent to the completion of the form when commencing, staff are required to declare their interests by using the Declaration of Interest Form and submit this to their manager.
- All existing staff will be reminded annually of this Conflict of Interest Policy and their responsibility to declare any new actual or perceived conflicts of interest by completing the Declaration of Interest Form.
- Staff are responsible for making sure that their registered interests are kept up to date at all times. Although the interest may be declared, this does not remove the member of staff's personal responsibilities for removing themselves from a position or situation which may result in a potential breach of this policy.
- Staff who have an interest in an organisation with which the Trust has a business relationship, for example in an equipment manufacturer or a pharmaceutical company, (or if they have previously worked for such an organisation) may be vulnerable to

allegations of impropriety. This also applies to partners, relatives and close associates of that member of staff.

- If staff have dealings or interests with external organisations which might influence or be seen by others to influence the Trust's business relationship with that organisation and where a conflict of interest could arise it must be declared using the Declaration of Interest Form.
- The Trust must be told of all cases where a member of staff, partner, close relative, personal friend or other close associate has a 'Relevant and Material' interest, including significant financial interests. This includes a private company, public sector organisation, other Trust employer or any other company that may compete for an HSC contract to supply goods or services to the Trust. A non-exhaustive list of interests which the Trust considers as 'relevant and material' is listed in **Appendix 3**.
- If in doubt about whether a declaration should be made, advice should be sought from your line manager. Board members, staff and managers are requested to err on the side of caution. The test is that an interest must be declared if it conflicts with your official duties, impairs your abilities to carry out your duties, and/or impacts on your work.
- There should be no conflict of interest between staff's duties and any other outside work. Any new outside work must be recorded on the 'additional employment section' of the Declaration of Interests form.

5.2.2 Specific responsibilities for annual returns

A greater duty applies to certain groups of staff due to their close involvement in the selection of suppliers and to purchasing decisions. Staff in these groups at **Band 6 and above**, are required to provide an annual declaration return - this includes a NIL return where there are no interests to declare.

Group	Named Co-ordinator*
Trust Board	Board Assurance Manager
Assistant Directors	Directors
Purchasing & Supplies	Director of Finance, Procurement and Estates
Pharmacy	Head of Pharmacy
Information Technology	Director of Performance & Reform
Planning	Director of Performance & Reform
Estates	Director of Finance, Procurement and Estates
Medical staff	Deputy Medical Director for Appraisal and Revalidation

The *named co-ordinator is required to arrange for the members of staff in these specific groups to complete an annual declaration form and ensure that these are completed and sent to the Board Assurance Manager.

- There is clear guidance on the procurement of goods and services for the public sector. Employees of the Trust are required to comply with 'PS06 PaLS Guide to Participation in the Tendering process'.
- Returns should be made to the Board Assurance Manager by the end of April each year.

5.2.3 Private Practice

- Any employee of the SHSCT must declare any private practice, which may give rise to any actual or perceived conflicts of interest, or which is otherwise relevant to the proper performance of their contractual duties using the Declaration of Interests Form.
- Any private work undertaken during Trust contracted hours or while on paid absence, may be considered as potentially fraudulent and dealt with in accordance with the Trust's Fraud Policy and Response Plan, and the Disciplinary Procedures.
- Medical staff undertaking private work within Trust premises and/ or utilising Trust facilities are required to obtain prior approval and ensure that the Trust's Private Patient Procedure is followed. Any departure from these requirements will be considered as a breach of duty to declare an interest and may also be investigated under the Trust's Fraud Response Plan and Disciplinary Procedures.

5.2.4 Board members' responsibilities

In addition to the main content of this policy, the following applies to Trust Board members.

Board members are required to declare interests which are relevant and material to the Trust. This is stated in 'The Code of Accountability and Code of Conduct for Board members of Health and Social Care Bodies (July 2012)'

'It is a basic requirement that Chairs and all Board members should declare any conflict of interest that arises in the course of conducting HSC business. Chairs and Board members must declare on appointment any business interests, position of authority in a charity or voluntary body in the field of health and social care, and any connection with a voluntary or other body contracting for HSC services'.

At the time Board members' interests are declared, they shall be recorded on the Register. Directorships and other significant interests held by members of HSC Boards must be declared on appointment, kept up to date, and set out in the annual report.

- A Register of all Board member interests will be kept and maintained by the Board Assurance Manager and will be reviewed by the Trust Board on an annual basis. Interests, however, should be declared as and when they arise, and not only as a result of this annual declaration.
- Further instructions regarding the duties and obligations of Board members are detailed in Section 7 of the Trust's Standing Orders.
- At the outset of a Board meeting and Committee meetings, the Chair shall invite members to declare an interest in any agenda item. If a conflict of interest is established, the member concerned shall, as soon as he/she is able after its commencement, disclose the fact and this is recorded in the minutes. It shall be disclosed in a manner that cannot be perceived to influence subsequent discussion or decision. Any action taken to manage any conflicts of interest e.g. the member leaves the meeting for a particular agenda item and plays no part in the relevant discussion or decision, should also be recorded in the minutes.

5.2.5 Gifts, Hospitality and other benefits

- A conflict of interest can arise where Board members or any member of staff accept the offer of gifts, hospitality or other benefits, for example from potential contractors/suppliers.
- The Trust's Gifts, Hospitality & Sponsorship Policy provides advice to all Trust staff on the expected standards of conduct and to those staff who, in the course of their day to day work or as a result of their

employment, either receive offers of gifts, hospitality or considerations of any kind from contractors, agents, organisations, firms or individuals. The policy also provides advice on the provision of gifts and hospitality to others on behalf of the Trust.

5.3 Managing Conflicts of Interest

Key Principle: Conflicts of Interest (including potential/perceived conflicts) must be managed appropriately.

- When an employee reports an interest, management must consider how it should be dealt with ensure that all deliberations / actions are recorded on the Declaration of Interests form and register (including any decision to take no action).

- Questions to be answered include:
 - Could the Board member / employee or their family or friends gain from his / her connection to the Trust?
 - How is the declared interest likely to be perceived externally?
 - Could the declared personal interest damage the reputation, impartiality or integrity of the Trust?
 - Is there a possibility that the declared interest might influence decision making by the Board member / employee or by others?

The method of managing any conflicts of interest should be assessed on a case by case basis and will be determined after consideration of a number of factors such as the level of risk presented and what management is actually feasible

In very low risk cases, it may be deemed sufficient to declare the interest so that it is known, but with no further action considered necessary.

In other more complex situations where the conflict is more serious and it is considered that it cannot be managed, it may be necessary for the member of staff/Board member to either relinquish the private interest that is creating the conflict with their public duties, or for them to resign from their position within the Trust.

In summary therefore, there are different options for managing conflicts of interest:

Restrict – where restrictions are placed on the staff member/Board member’s involvement in the matter

Recruit - where a disinterested third party is used to oversee part of all of the process that deals with the matter

Remove – where the staff member/Board member is removed from the matter

Relinquish – where the staff member/Board member relinquishes the private interest that is creating the conflict; and

Resign – where the staff member/Board member resigns from their position with the Trust.

The table contained in **Appendix 4** outlines possible management strategies and when they might be best used.

5.3.1 Failure to make a declaration

Should it be suspected that a member of staff has failed to appropriately declare an interest, or failed to demonstrate compliance with the conduct outlined in this policy, it may be deemed appropriate to take action in line with the Trust’s Disciplinary Procedure and/or Fraud Policy.

5.4 Publishing Registers of Interest

Key Principle: To ensure openness and transparency, Registers of Interest of Senior Officials and Individual Board members of public bodies should be made available/published.

- The Board Assurance Manager will hold the 'Registers of Interests'.
- The Register of all Board member Interests will record all business and commercial interests declared by Board Members.

It will be subject to an annual review and the outcome of that review will be reported to Trust Board and made publically available on the Trust's website.

- The Register of Interests for staff will record all business and commercial interests declared by staff. It will be subject to annual review by the Director of Finance and the Director of HROD. The annual review should take into account any significant changes to contracts or suppliers which may have resulted from declarations of interests.
- Where there is any doubt as to what an individual should or should not be registering, this should be discussed with Line Managers.
- When publishing registers/making them publicly available, the Trust should take account of data protection legislation, and it should be remembered that only the individuals on the register making declarations should be identifiable. It is important that relationships when including family, friends and associates are not named – only their relationship and business/activity and interaction with the Trust needs to be considered for publication.

- The information provided will be processed in accordance with data protection principles as set out in the UK GDPR. Data will be processed only to ensure that Board members and staff act in the best interests of the Trust. The information provided will not be used for any other purpose.
- The above information will be incorporated into the two yearly review of the policy.

6.0 LEGISLATIVE COMPLIANCE, RELEVANT POLICIES, PROCEDURES AND GUIDANCE

- Circular HSC (F) 31-2021 - Guidance on Conflicts of Interest
- NIAO Conflicts of Interest: A Good Practice Guide, 2015
- Bribery Act 2010
- SHSCT Gifts, Hospitality & Sponsorship Policy, 2021
- SHSCT Anti-Fraud and Anti-Bribery Policy and Fraud Response Plan
- Department of Health, Code of Conduct for Board Members
- Department of Health, Code of Conduct for HSC Employees, 2016

7.0 REVIEWING THE POLICY

It will be the responsibility of the Director of Finance and Procurement to review this Policy.

8.0 EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

- 8.1 This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998. Using the Equality Commission's screening criteria, no significant equality implications have been identified. The Policy is therefore not subject to equality impact assessment.

8.2 Similarly, this policy has been considered under the terms of the Human Rights Act 1998, and was deemed compatible with the European Convention Rights contained in the Act.

9.0 ALTERNATIVE FORMATS

9.1 This document can be made available on request in alternative formats, e.g. plain English, Braille, disc, audiocassette and in other languages to meet the needs of those who are not fluent in English.

10.0 RECORDS MANAGEMENT

The supply of information under the Freedom of Information does not give the recipient or organisation that receives it the automatic right to re-use it in any way that would infringe copyright. This includes, for example, making multiple copies, publishing and issuing copies to the public. Permission to re-use the information must be obtained in advance from the Trust.

11.0 SOURCES OF ADVICE AND FURTHER INFORMATION

11.1 Line-managers should be contacted in the first instance, in relation to any specific queries on the content of this policy. Line managers should then escalate queries which they are unable to address to their Director. Further advice for Directors is available from the Board Assurance Manager or Director of Finance & Procurement.

11.2 A useful guidance document to assist in dealing with an actual or potential conflict of interests is NIAO – Conflict of Interests – A Good Practice Guide, March 2015.

**The Nolan Principles
The Seven Principles of Public Life**

- **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
- **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership:** Holders of public office should promote and support these principles by leadership and example.

DECLARATION OF INTERESTS FORM

Period:

Full Name (in Capitals)			
Staff Number		Job Title	
Department		Directorate	

Trust employees and Board members must declare interests they, or close family or friends have, which might improperly influence the performance of their duties and responsibilities as a Trust employee or which could be perceived to do so.

NATURE AND DETAIL OF INTEREST

Please complete any relevant detail below:

1	Company interests: Any relationship with a company or commercial organisation, Directorships, consultancy. (Please include name and business address)	
2	Self-Employment:	
3	Charities: Trusteeships, governorships or employment with any charities or voluntary organisations.	
4	Public Appointments: Remunerated or unremunerated	
5	Memberships: Including membership of professional or external bodies, or other associations	

6	Close family links: Any of the above interests held by a spouse, partner, close relative, other close associates or personal friends	
7	Additional employment: There should be no conflict of interest between your duties and any other job.	
8	Any other relevant interests: Held by you or your close family or friends	

Please tick that you have read and understood the Conflicts of Interest Policy

DECLARATION:

I confirm that this declaration applies to me and anybody close to me as defined in the Policy. Please tick **one** box below.

	I confirm I have actual interests to declare to the best of my knowledge and belief. I declare that the interests above are those which the Southern HSC Trust should be aware of. I understand and accept that if any relevant and material interest changes it is my responsibility to keep the Trust informed of these changes.
	I confirm I have no actual interests to declare to the best of my knowledge and belief.
	I confirm I have interests to declare which could be potentially perceived by others as improperly influencing the performance of my duties and responsibilities as a Trust employee.

Signed: _____ **Date:** _____

FOR ASSISTANT DIRECTOR / DIRECTOR TO COMPLETE

CONSIDERATION OF DECLARATION

I have read and discussed the above Declaration of Interest with the individual concerned and *feel that no further action is required at this time / need to take the following action. (* Delete as appropriate)

Signed: _____ **(minimum Assistant Director level)**

Print name: _____ **Job Title:** _____ **Date:** _____

CONFLICT OF INTERESTS POLICY

'RELEVANT AND MATERIAL' INTERESTS

An interest must be declared if it conflicts with your official duties, impairs your abilities to carry out your duties, and/or impacts on your work.

The following is a non-exhaustive list of interests which the Trust considers are relevant and material and must be declared:

- Where an employee works for another organisation, whether HSCNI related or not;
- Any directorships of companies likely to be engaged with the business of the Trust;
- Any role in an organisation which is a supplier or might be a future supplier of the Trust including:
 - A directorship including a non-executive directorship;
 - A majority or controlling share holding;
 - A prospect of future employment.
- Voluntary or remunerated positions, such as trusteeship, other public positions;
- Membership of professional bodies or mutual support organisations, including political parties;
- A position of authority in an organisation in the field of health care.
- Investments in unlisted companies, partnerships and other forms of business, major shareholdings and beneficial interests;
- Where a family member or close personal relationship exists with an external body or somewhere where you may be in a position to award services to;
- A controlling/or significant financial interest in a business which may compete for business at the Trust.
- A self beneficial interest in a private company that may treat patients of the Trust
- Any other perceived conflicts that are not covered by the above.

Dealing with Conflicts of Interest (NIAO Good Practice Guide)

Management Strategy	When most suitable	When least suitable
<p>Register</p> <p>Where details of the existence of a possible or potential conflict of interest are formally registered.</p>	<ul style="list-style-type: none"> - For very low-risk and potential conflict 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 higher risk. - The potential or perceived effects of a conflict of interest on the proper performance of the public official/ Board member's duties require more proactive management.
<p>Restrict</p> <p>Where restrictions are placed on the public official/Board member's involvement in the matter.</p>	<ul style="list-style-type: none"> - The public official/Board member can be effectively separated from 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 public official/Board member is constantly unable to perform a number of their regular duties because of conflict of interest issues.
<p>Recruit</p> <p>Where a disinterested third party is used to oversee part or all of the process that deals with the matter.</p>	<ul style="list-style-type: none"> - It is not feasible or desirable for the public official/Board member to remove themselves from the decision-making process. - In small or isolated communities where the particular expertise of the public official/Board member is necessary and genuinely not easily replaced. 	<ul style="list-style-type: none"> - The conflict is serious and ongoing, rendering ad hoc recruitment of others unworkable. - Recruitment of a third party is not appropriate for the proper handling of the matter. - A suitable third party is unable to be sourced.
<p>Remove</p> <p>Where a public official/Board member chooses to be removed from the matter.</p>	<ul style="list-style-type: none"> - For ongoing serious conflicts of interest where ad hoc restriction or recruitment of others is not appropriate. 	<ul style="list-style-type: none"> - The conflict of interest and its perceived or potential effects are of low risk or low significance. - The public official/Board member is prepared to relinquish the relevant private interest rather than radically change their work responsibilities or environment.
<p>Relinquish</p> <p>Where the public official/Board member relinquishes the private interest that is creating the conflict.</p>	<ul style="list-style-type: none"> - The public official/Board member's commitment to public duty outweighs their attachment to their private interest. 	<ul style="list-style-type: none"> - The public official/Board member is unable or unwilling, for various reasons, to relinquish the relevant private interest.

<p>Resign</p> <p>Where the public official/Board member resigns from their position with the organisation.</p>	<ul style="list-style-type: none"> - No other options are workable. - The public official/Board member cannot or will not relinquish their conflicting private interest and changes to their work responsibilities or environment are not feasible. - The public official/Board member prefers this course as a matter of personal principle. 	<ul style="list-style-type: none"> - The conflict of interest and its potential or perceived effects are of low risk or low significance. - Other options exist that are workable for the public official/ Board member and the organisation.
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Source: NIAO Conflicts of Interest – A Good Practice Guide Page 23