

# ACI Statement of Business Ethics

April 2021

<b>Portfolio Area</b>	Finance and Corporate Affairs
<b>Applies to</b>	All staff, temporary and seconded employees, volunteers, Board and Committee members, clients and stakeholders. Any external party involved in providing services to the Agency of Clinical Innovation, with or without reimbursement, are subject to this policy.
<b>CM9 Reference Number</b>	ACI/D21/507
<b>Date of Issue</b>	
<b>Replaces</b>	New policy
<b>Related Policy / Documents</b>	<a href="#">ACI Internal Fraud &amp; Corruption Policy</a> <a href="#">ACI Gifts &amp; Benefits Procedure</a> <a href="#">ACI Conflicts of Interest Procedure</a> <a href="#">NSW Health Code of Conduct</a> <a href="#">NSW Health Public Interest Disclosures</a> <a href="#">NSW Health Conflict of Interests &amp; Gifts and Benefits</a> <a href="#">NSW Health Managing Performance Policy</a> <a href="#">NSW Treasury Circular TC 18-02</a>
<b>Purpose</b>	This policy details ACI's position on fraud and corruption. ACI has a zero tolerance approach to fraud and corruption and is committed to ensuring that the frameworks in place are robust.
<b>Policy Review</b>	The policy will be reviewed every two years by Finance and Corporate Affairs at ACI in accordance with the Ministry of Health and NSW Treasury requirements.

Version	Approved by	Date	Amendment Notes
1.1	Chief Executive	March 2021	

## Chief Executive's Message

The Agency for Clinical Innovation (ACI) is the lead agency for innovation in clinical care, bringing patients, clinicians and managers together to support innovation, design and implementation.

Just as we are expected to behave ethically and comply with the NSW Health Code of Conduct, high standards of behaviour are also expected from those who engage with ACI on a commercial basis. That is why we have made compliance with this Statement of Business Ethics a condition of contracting with us.

Jean-Frederic Levesque  
**Chief Executive**

## Our values

Our work is built on a foundation of trust and respect. We live the NSW Health CORE values through:

Collaboration	<ul style="list-style-type: none"> <li>• We work in teams where we all contribute and share ideas and responsibilities</li> <li>• We form strong partnerships with customers to deliver a quality service</li> <li>• We are willing to learn and we welcome new ideas and ways of doing things</li> <li>• We support each other across the organisation</li> <li>• We get involved</li> <li>• We explore alternatives before acting</li> </ul>
Openness	<ul style="list-style-type: none"> <li>• We have confidence in our work and are accountable for our actions</li> <li>• We share ideas and information within our teams and with our customers and partners</li> <li>• We communicate clearly and accurately</li> <li>• We listen to our customers and each other and we act on what we learn</li> <li>• We give and receive feedback constructively</li> </ul>
Respect	<ul style="list-style-type: none"> <li>• We treat our customers, our workmates, clinicians and their patients with consideration and courtesy</li> <li>• We are inclusive and are proud of our cultural and social diversity</li> <li>• We create a safe place to work, both physically and emotionally</li> <li>• We demonstrate integrity in all we do</li> <li>• We resolve issues constructively</li> <li>• We show concern for the needs of others</li> </ul>
Empowerment	<ul style="list-style-type: none"> <li>• We encourage and support our people to make independent decisions</li> <li>• We strive for innovation</li> <li>• We encourage and recognise achievement and performance</li> <li>• We recognise that our work is important</li> <li>• We help others to grow and develop</li> <li>• We pursue individual excellence and work hard to deliver the best possible services</li> </ul>

## Key business principles

ACI is committed to maintaining high standards of integrity and ethical conduct that are consistent with the policies, guidance, and directions issued by the NSW Ministry of Health.

ACI expects that its business dealings are transparent and open to public scrutiny wherever possible and that private sector organisations support all ACI employees' adherence to and maintenance of appropriate ethical behaviours. ACI believes that establishing and maintaining ethical business relationships will promote positive relationships with goods and service providers and help to preserve the reputations of the businesses and individuals involved, meet community expectations of probity and value in the public sector and reduce the likelihood of corrupt conduct.

This statement provides guidance for goods and service providers when doing business with ACI. It also outlines what goods and service providers can expect of ACI. ACI conducts all procurement in accordance with Procurement Board directives, the NSW Procurement Policy Framework, and the NSW Health Goods and Services Procurement Policy.

ACI seeks to achieve Value for Money in its procurement activity, as outlined by the NSW Government Procurement *Statement on Value for Money*. Value for money does not automatically mean the lowest price. It is determined by considering the factors which are relevant to the particular purpose of the procurement. Factors include quality, reliability, timeliness, service and initial and ongoing costs.

All business dealings with ACI are expected to be honest, ethical, fair and consistent. ACI will ensure that it complies with *NSW Health Goods and Services Procurement Policy* and *NSW Procurement Board's Procurement Policy Framework*.

All ACI employees are bound by the [NSW Health Code of Conduct](#).

## What we expect from you

All goods and service providers are expected to:

- Observe and comply with NSW Health procurement policies and procedures;
- Provide accurate, concise, and reliable information when required;
- Declare actual or perceived conflicts of interest as soon as these conflicts are recognised;
- Act ethically and be honest in all dealings;
- Take all reasonable measures to prevent the unauthorised disclosure of NSW Health confidential information;
- Refrain from discussing ACI business or information in the media prior to obtaining ACI written consent;
- Refrain from offering ACI employees or contractors inducements or incentives (e.g. hospitality, gifts, sponsorship or other benefits) designed to unfairly persuade ACI employees (e.g. securing or attempting to secure influence or favour from ACI or individual employees); and
- Assist ACI in identifying and eradicating unethical practices.

## Why is compliance essential

Consistent with the Independent Commission Against Corruption (ICAC) Act, ACI defines consultants and contractors as 'public officials'. Any individual that attempts to improperly influence a public official or a public authority's honest or impartial exercise of their functions may be found corrupt by the ICAC.

All ACI goods and service providers are required to comply with this Statement. The consequence of not complying with ACI ethical requirements when doing business with ACI could lead to:

- Termination of contracts;
- Loss of future business opportunities;
- Reputational damage;

- Investigation for alleged breaches of the NSW Health Code of Conduct;
- Referral to ICAC for investigation for corruption; and/or
- Referral to NSW Police for investigation of alleged criminal offences.

## Practical guidelines

### Conflicts of interest

All ACI employees are required to declare any actual, potential, or perceived conflicts of interest under *NSW Health Policy Conflicts of Interest and Gifts and Benefits*, and the *ACI Internal Procedure -Conflicts of Interest*. Declared conflicts of interest are recorded in the ACI Conflicts of Interest Register and reviewed regularly to ensure the appropriate management processes remain in place.

A conflict of interest can arise where an employee could be influenced or perceived to be influenced, by a competing interest when carrying out their public duty. Competing interests may arise through personal or private interests, or through separate professional interests. Having a conflict of interest is not necessarily a problem; it is how it is dealt with that is important. A conflict of interest can be actual, potential, or perceived; an interest can be pecuniary or non-pecuniary.

All ACI contractors, consultants, suppliers, tenderers, and business partners must have appropriate policies and processes in place to manage any conflicts of interest when dealing with ACI.

### Gifts and benefits

Contractors, consultants, suppliers, tenderers, and business partners must not offer or give Gifts or Benefits to ACI employees and there is no expectation from ACI employees that any Gifts or Benefits will be provided. ACI employees will decline Gifts, Benefits, or travel offered during the course of their work. Cash gifts (or equivalent, for example gift vouchers) are never acceptable.

ACI Contractors, consultants, suppliers, tenderers, and business partners must not pay or offer to pay for any form of entertainment for ACI employees. This includes such things as tickets to sporting or social events, social meals at restaurants, travel expenses to attend either local or interstate meetings or conferences, or accommodation expenses. ACI meets all such business costs for employees.

ACI employee participation in some modest forms of hospitality is permitted where: a clear underlying business purpose exists; it is in the normal course of business; relates to the work of NSW Health; has a public benefit; and is disclosed by the employee.

Offers, acceptance, and non-acceptance, of all Gifts, Benefits and hospitality are required to be disclosed by ACI employees in accordance with the *NSW Health Policy Conflicts of Interest and Gifts and Benefits*.

ACI acknowledges that judgement by both commercial partners/suppliers and employees needs to be exercised regarding the offer and acceptance of Token Gifts or hospitality – the essence is that it must be modest (both actual and in perception) and not be encumbered by obligation. It must also not be offered at a time that could raise general concerns about conflicts of interest, for example during a tender or contract negotiation period. Modest hospitality could include basic refreshments at meetings, and simple light working luncheons.

### Confidentiality, intellectual property and copyright

Information (whether hard copy documents or electronically stored data) that is marked confidential or that is provided in circumstances where a reasonable person would assume the information was provided in confidence, should never be released, disclosed to a third party or used for a different purpose than it was given for, without the express consent of the party that provided the information.

All parties shall respect each other's intellectual property rights and should formally negotiate any access, licences or use of intellectual property.

In most cases the State will own copyright in any material that is created, commissioned or first published by the State unless an agreement has been made that someone else will own copyright.

## Communication between parties

All communication shall be clear, direct, professional and accountable to minimise the perception of any inappropriate influence in commercial dealings.

ACI will comply with the *Government Information (Public Access) Act 2009* and the *NSW Health Information Bulletin – Government Information (Public Access) Act 2009 – Contractor Information & Consultation IB2010\_035* when managing information relating to contractors' records or access applications received under the Act in so far as they relate to information about contractors.

## Bullying, harassment and discrimination

Workplace bullying, harassment and discrimination are unacceptable behaviours with ACI and will not be tolerated under any circumstances.

All ACI contractors, consultants, suppliers, tenderers, and business partners must have appropriate policies and processes in place to manage workplace bullying, harassment and discrimination when dealing with ACI.

## Contracting employees

All contracted and sub-contracted employees are expected to comply with the *ACI Statement of Business Ethics*. All contractors are responsible for ensuring their sub-contractors comply with the statement and are aware of the consequences of breaching the principles it contains.

## Other employment and external business activities

ACI requires employees, in accordance with NSW Health Code of Conduct, to obtain the approval of the Chief Executive prior to entering into any private/secondary employment arrangement (including with family companies or trusts). This will not be approved if it has the potential to create an actual or perceived conflict of interest between the employee's public official role and their private interests.

All part-time or casual ACI employees are required to advise the ACI Chief Executive or his delegate of any real or potential conflict of interest between their employment at ACI and any other employment.

ACI employees are not to use either their position, government information, or intellectual property developed while serving Government to secure private employment.

Commercial partners and suppliers must not offer ACI employees private employment which conflicts with their public duties. Neither shall the ACI's commercial partners employ former ACI employees within 12 months of such former employees leaving ACI. Former employees who have dealings with ACI need to ensure that they do not seek, or appear to seek, favourable treatment or access to confidential information.

## Public interest disclosures – 'whistle-blower's protection'

ACI does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and other forms of serious wrongdoing.

All commercial partners and suppliers of goods or services to ACI are required to report all information they become aware of where they honestly believe, on reasonable grounds, that the information or evidence shows or tends to show serious wrongdoing.

Individuals and corporations (and employees or officers of these corporations) engaged by ACI under a contract to provide services to, or on behalf of, ACI are classified as 'public officials' under the *Public Interest Disclosures Act 1994 (The PID Act)*. The PID Act protects public officials from reprisal or detrimental action when disclosing corrupt conduct or other specific wrongdoing in line with requirements of the PID Act. The PID Act also ensures that disclosures are appropriately investigated and dealt with.

Public officials, including ACI employees and contractors that report corrupt conduct, fraud, serious maladministration or serious and substantial waste of public funds or a failure to deal appropriately with Government information are protected from reprisals under the PID Act.

## Reporting unethical or corrupt behaviour

If you are concerned about a possible breach of this code by an ACI staff member, you should report this directly to the ACI Chief Audit Executive by email [ACI-CorpGov@health.nsw.gov.au](mailto:ACI-CorpGov@health.nsw.gov.au).

If you are concerned about any conduct that could involve fraud, corrupt conduct, maladministration, or serious and substantial waste of public funds, this can also be reported via one of these external channels:

- corrupt conduct – [Independent Commission Against Corruption \(ICAC\)](#)
- maladministration – [NSW Ombudsman](#)
- serious and substantial waste – [NSW Audit Office](#)
- access to government information (GIPA) – [Information and Privacy Commission NSW](#)

### Definitions

<b>Benefit</b>	Is a service or intangible item which is of value to the receiver. Examples include access to preferential treatment or to a private box at sporting events.
<b>Conflicts of interest:</b>	<p><b>Actual:</b> where a person's duties as an employee (that is the principal goals of the profession or activity, the duties of public office, the protection of clients, the health of patients, or the integrity of research) may be unduly influenced by a secondary interest (such as a personal or competing professional interest, including secondary employment or office).</p> <p><b>Perceived:</b> where it could reasonably be perceived that the competing interests could improperly influence the performance of duties – whether or not this is in fact the case.</p> <p><b>Potential:</b> where the competing interests have the potential to conflict with official duties in the future.</p> <p><b>Pecuniary interest:</b> is an interest associated with a reasonable likelihood or expectation of appreciable financial gain or loss to a person or to someone associated with them, for example partners, relatives, or friends.</p> <p><b>Non-pecuniary interest:</b> is an interest which does not relate to money but which may relate to a non-financial gain or loss to a person or someone associated with them. Examples of non-pecuniary interests might include kinship, friendship, membership of an association, society or trade union or involvement (or interest) in an activity.</p>
<b>Employee(s):</b>	Includes any person working in a permanent, temporary casual, termed appointment or honorary capacity, including volunteers and contractors.
<b>Gift:</b>	Any item, service, prize, hospitality or travel, offered or provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value and / or a value to the recipient, a member of their family, relation, friend or associate, and includes bequests.
<b>Nominal value</b>	Is the monetary limit of acceptable token gifts. The nominal value for ACI is \$75.00.
<b>Non-token gifts</b>	Is a gift or benefit that can be seen to be given as an inducement or have a greater value.
<b>Token gifts</b>	Are inexpensive gifts of gratitude such as a bunch of flowers of nominal value.