

Conflict of Interest Policy

Effective: January 2023

Introduction

doctorportal Learning Pty Ltd, trading as ‘CPD Home’ is a wholly owned subsidiary of the Australian Medical Association (WA) Inc.

CPD Home is available to non-exempt medical practitioners in Australia at www.cpdhome.org.au. It is not limited to members of the AMA.

Background

Managing conflicts of interest demonstrates our commitment to good governance, ethical conduct, and uncompromised decision making.

Purpose

This policy outlines how CPD Home prevents, identifies, and manages any actual, potential, or perceived conflicts of interest of its decision makers to ensure that any decision making on its behalf is made solely in its interests, and is not, or perceived to be, undermined or influenced by any other allegiances or interests (direct or indirect) of the decision makers individually or collectively. This includes decisions in relation to the listing of learning content and the compliance of subscribers with their CPD Program requirements and the registration standard.

This policy supports CPD Home to manage risk and safeguard the organisation’s reputation and the trust placed in it by subscribers, external learning providers, accrediting or regulatory bodies and the public. The policy also supports CPD Home’s compliance with its legislative and statutory obligations, and good governance standards.

Objective

To ensure the integrity of our decision making and to inform our stakeholders of the measures we take to that end.

Scope

With regard to decisions made for or on behalf of CPD Home, this policy applies to:

- members of the AMA (WA) Board and any of its committees;
- the AMA (WA) CEO
- members of the CPD Advisory Panel;
- members of any other committee, working or advisory group, or sub-group formed under the auspices of the above; and
- any employees, contractors, or volunteers involved in making decisions on the behalf of or in relation to the operations of CPD Home.

Definitions

The following definition(s) apply to this policy and where applicable, its procedures.

Term	Definition
Conflict of Interest	<p>A conflict of interest occurs when a person’s personal interests’ conflict, or could be perceived to conflict, with their responsibility to act in the best interests of CPD Home.</p> <p>Conflict of interests may be:</p>

	<ul style="list-style-type: none"> • Real – where a direct conflict exists between the decision maker and their duty to act in the best interests of CPD Home. • Apparent – where it appears or could be perceived that personal interests are influencing the decision maker to not act in the best interests of CPD Home. • Potential – where personal interests are not currently but could come into conflict with their duty to act in the best interests of CPD Home.
Decision Maker	Any person or persons making decisions for or on behalf of CPD Home.
Personal Interest	Personal interests include where the decision maker or a person or organisation affiliated with them would receive a benefit or incur a detriment because of the decision being made. That benefit or detriment could be financial or non-financial.
Register of Interests	A record of declared or identified conflicts of interests listing to whom they apply, the nature and extent of the conflict and any steps taken to address it.

Policy

It is the policy of CPD Home, as well as the responsibility of the AMA (WA) CEO and the AMA (WA) Board, that ethical, legal, financial, education and training, or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations of CPD Home decision makers to CPD Home and its stakeholders (for example subscribers and learning providers).

While conflicts of interest are common, they do not need to present a problem if they are openly and effectively managed.

Once a real, apparent or perceived conflict of interest is identified, it must be recorded into a Register of Interests held by either CPD Home or one of its decision-making entities, whichever is most appropriate for the circumstances. The Register of Interests will be maintained by the Chair of a decision-making entity, or their delegate. The register will record the nature of the conflict of interest. The Register of Interests will be included in the meeting papers of any decision-making entities. Where a decision maker becomes aware of a yet undeclared real, apparent or perceived conflict of interest they will immediately disclose it the Chair of the decision-making entity on which they are a member or, if applicable, to their immediate supervisor.

Roles and Responsibilities

CPD Home will manage conflicts of interest by requiring decision makers covered under the Scope of this policy to:

- avoid conflicts of interest where possible;
- disclose to the decision making entity of which they are a member, or, if for example they are a CPD Home employee to their immediate supervisor, any personal or business interests that may give rise to actual or perceived conflicts of interest and ensure they are managed appropriately; and
- ensure any personal or financial interests, including those of any associated person, do not conflict with their ability to perform official duties in an impartial manner.

The Chair of a CPD Home decision making entity, or their delegate:

- will for each meeting provide a list of declared conflicts of interest of and to the members of that decision making entity;
- will at each meeting request any further declarations of interest be made that may, or be seen to, impact the impartiality of a decision maker;
- direct the meeting to consider what action, if any, is required; and
- subsequently add them to the register of interests.

Confidentiality of Disclosures

All individuals carrying out CPD Home business are required to preserve the principles of confidentiality.

Information contained in a declaration of interest, papers and minutes of any CPD Home decision making entity or any other resource material from CPD Home is provided and received in confidence and is only to be used for CPD Home business.

Information obtained on this basis by individuals carrying out CPD Home business must not be used to gain advantage for either themselves or a third party, or to cause detriment to CPD Home or its parent entity or for any other purpose.

CPD Home business should not be discussed by any individual involved in My CPD business with any external party at any stage, unless specifically authorised to do so in the following circumstances:

- Requests to disclose relevant information made by a Commonwealth authority or a State or Territory authority, for the purpose of assisting the authority in the performance of its functions or duties;
- Requests to disclose relevant information made by regulatory and/or legislative authorities; or
- Requests to disclose relevant information regarding any legal proceedings of any nature and to any third parties connected with those proceedings.

All declarations of interest and information obtain while carrying out CPD Home business will be treated as confidential in perpetuity.

Gifts and hospitality

Gifts or hospitality made available to any individual covered under the Scope of this policy, and pursuant to the AMA (WA) Code of Conduct, which may reasonably be considered as connected to their position as a decision maker (or potential future decision maker) and could be seen to compromise their impartiality must not be accepted or solicited. Any such gift or hospitality must promptly be declared via the Gift Declaration Form. Gifts or hospitality must not be accepted from any person engaged or who proposes to engage in a CPD Home tender.

Action

Where there are real, apparent or potential conflicts of interest for:

- a member or members of a decision-making entity (e.g. a Board or Committee) in general or on a particular matter, the entity (excluding members with a conflict) will note the conflict and consider whether the conflict is one which:
 - needs to be avoided or simply documented
 - will realistically impair the disclosing person's capacity to impartially participate in decision-making;
 - is likely to create an appearance of improper conduct that might impair confidence in, or the reputation of CPD Home or its parent entity;
 - should preclude them from voting;
 - should preclude them from participating in the discussion; and

- o should preclude them from being present during either, or both, the discussion and vote; or
- any other decision makers covered under the Scope of this policy, their immediate supervisor will determine if they can exercise their decision-making duties impartially or if the decision should be delegated to an alternate decision maker.

Compliance (where applicable)

Where there is reason to believe that an individual subject to this policy has failed to comply with it, CPD Home will investigate the circumstances and take what action, if any, is required pursuant to this policy.

If it is found that this individual has failed to disclose a conflict of interest, CPD Home may take action against them. This may include terminating their position on a decision-making entity or disciplinary action pursuant to the AMA (WA)'s Conditions of Employment.

If a person suspects that a decision maker has failed to disclose a conflict of interest, they must:

- in the case of a member of the decision-making entity notify the Chair; or
- in the case of any other decision makers covered under the Scope of this policy notify the AMA (WA) CEO.

Related Documents / Legislation

The following documents are related to this policy.

1. Corporations Act 2001
2. The Australian Medical Council (AMC) Criteria for accreditation of CPD homes
3. AMA (WA) Code of Conduct

Appendices

1. Glossary

Version Tracking

Version	Date	Comments
1.0	December 2022	

Appendix 1

Glossary

Term	Definition
Appeal	Of a decision, to be undertaken by an Appeals Committee, an ad-hoc committee of the AMA (WA) Board.
Applicant	Any Subscriber or Education Provider directly affected and unsatisfied with an CPD Home decision who applies to have the decision reviewed, reconsidered or appealed.
Aphra	Australian Health Practitioner Regulation Authority
Certified Learning Provider	A learning provider who is certified by CPD Home, and can apply for accreditation of a CPD activity for listing in the CPD Learning catalogue.
Conflict of Interest	<p>A conflict of interest occurs when a person's personal interests' conflict, or could be perceived to conflict, with their responsibility to act in the best interests of CPD Home.</p> <p>Conflict of interests may be:</p> <ul style="list-style-type: none"> • Real – where a direct conflict exists between the decision maker and their duty to act in the best interests of CPD Home. • Apparent – where it appears or could be perceived that personal interests are influencing the decision maker to not act in the best interests of CPD Home. • Potential – where personal interests are not currently but could come into conflict with their duty to act in the best interests of CPD Home.
CPD Advisory Panel	Panel of medical advisers which provides advice to the AMA (WA) CEO and senior leadership team regarding the CPD Home Program.
CPD Home 'Catalogue'	This is the catalogue of learning modules and readings available to CPD Home subscribers.
CPD services	Carrying out 'CPD Home' related functions or activities offered to subscribers.
CPD Tracker	Online tracking tool enabling subscribers to record courses, events and other completed CPD activities. Each CPD activity record includes the length of time, area for self-reflection and optional storage of learning evidence.
Learning Providers	Entities who deliver education or learning to doctors.
CPD Home Executive	Includes the AMA (WA) CEO, Chief Operating Officer and Chief Financial Officer
CPD Home Managers	Line managers responsible for a particular area of the CPD Home business.
CPD Home Program of Learning	The CPD Home Program of Learning (CPD Program) provides a pathway for Australian registered medical specialists, international medical graduates, PGY2+ trainees and non-vocationally registered doctors to engage in an accredited CPD program. From 1 January 2023, the CPD Program is a mandatory program for subscribers to the CPD Home service.
CPD Home Staff	Includes employees or contracted consultants, legal or financial professionals acting for CPD Home
CPD requirements	<p>Means CPD requirements against the Standard, as follows:</p> <ul style="list-style-type: none"> • develop a written annual professional development plan; • complete a minimum of 50 hours per year of CPD activities that are relevant to your scope of practice and individual professional development needs;

	<ul style="list-style-type: none"> • allocate your minimum 50 hours per year between the following types of CPD activities: <ul style="list-style-type: none"> ◦ at least 12.5 hours (25 percent of the minimum) in educational activities; ◦ at least 25 hours (50 per cent of the minimum) in activities focused on reviewing performance and measuring outcomes, with a minimum of five hours for each category; and ◦ the remaining 12.5 hours (25 percent of the minimum), and any CPD activities over the 50-hour minimum across any of these types of CPD activity, including any relevant specialty high-level requirements; • self-evaluate your CPD activity at the end of the year as you prepare your professional development plan for the next year; and • retain records of your annual CPD activity for audit by your CPD home and the Board for three years after the end of each one-year cycle.
CPD Year	The CPD Year is 1 January to 31 December.
Complaint	Dissatisfaction or concern about the conduct or actions of CPD Home expressed in a written complaint submitted via the CPD Home Complaint Form by a: <ul style="list-style-type: none"> • Subscriber to CPD Home services; • CPD Home Education or Service Provider; or • Member of an CPD Home decision making or advisory entity.
Complaints Officer	A CPD Home staff member trained in complaints handling and delegated the responsibility for managing a complaint.
Cooling off period	A 14 day period in which the subscriber can change their mind about subscribing without penalty.
CSV File	Comma Separated Value - A electronic file in which the data in each data field is separated by a comma.
Decision maker	Any person or persons making decisions for or on behalf of CPD Home.
Deferral	An extension of time, up to three months from the end of the CPD Year, in which to complete the CPD requirements for that CPD Year. The deferred CPD activities to be undertaken concurrently with the current CPD Year requirements.
eDM	Electronic Direct Mail
Exemption	CPD requirements for the CPD Year are waived.
Exit Poll	A series of questions to ascertain reasons for subscription cancellation and identify areas for improvement.
Frivolous report or complaint	The matter giving rise to the report or complaint is minor or trivial, vague or poorly explained inhibiting its investigation, or unable to be substantiated?
Learning Management System (LMS)	Online system used to deploy, track and report completion of learning activities measured against the CPD Program.
Malicious report or complaint	A report or complaint that appears to be motivated by a purpose that is dishonest and intended to cause harm.
Outgoing Subscribers	Subscribers who are moving to a different CPD home provider.
Parent Entity	doctorportal Learning Pty Ltd, trading as 'CPD Home' is a wholly-owned subsidiary of the Australian Medical Association (WA) Inc.
Participating Subscribers	Subscribers to CPD Home who do not have an exemption and who by default are participating in the 'CPD Program'

Personal information	Personal information includes a broad range of information such as name, gender, contact details, financial information and may also include other personal information (e.g. professional details) or an opinion, that could identify an individual. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances.
Personal interest	Personal interests include where the decision maker or a person or organisation affiliated with them would receive a benefit or incur a detriment because of the decision being made. That benefit or detriment could be financial or non-financial.
Point-in-Time Snapshot	A Point-in-Time snapshot is a copy of a storage volume, file or database as they appeared at a given point in time and is used as a method of data protection. In the event of a failure, data can be restored from the most recent snapshot before the failure.
Procedural matters	Refer to an application for a Review or Appeal of a CPD Home decision.
Professional details	Professional details include information such as qualifications, scope of practice, specialty or specialties, employment information (status, type, role), and educational/supervisory/research activities.
Sensitive information	Sensitive information is personal information that includes information or an opinion about an individual's: <ul style="list-style-type: none"> • racial or ethnic origin • political opinions or associations • religious or philosophical beliefs • trade union membership or associations • sexual orientation or practices • criminal record • health or genetic information • some aspects of biometric information
Subscribers	Subscribers to CPD Home may be members of the AMA or non-member medical practitioners who have selected us as their CPD Home.
Reconsideration	Of a decision, to be undertaken by the original decision maker
Review	Of a decision, to be undertaken by a Review Panel
Review Panel	A panel comprised of three people chosen at the discretion of the CEO or their delegate for purpose of reviewing a decision under the Review, Reconsideration and Appeals Policy. The Review Panel shall not include a member who participated in the original decision or its reconsideration, or who otherwise has, or is perceived to have, a conflict of interest.
Register of Interests	A record of declared or identified conflicts of interests listing to whom they apply, the nature and extent of the conflict and any steps taken to address it.
the Standard	<i>MBA Registration Standard: Continuing Professional Development</i>
Variation	The hours for each domain of CPD activity as per the Standard for the CPD Year are proportionally reduced to reflect the period where the subscriber did not practise medicine.
Vexatious report or complaint	A report or complaint that is falsely made, unwarranted or made repetitively, or made for some other collateral purpose such as to cause delay or disruption, gain leverage or cause disadvantage or to harass or annoy.