



Conflict of Interest Policy

Purpose

The purpose of this policy is to ensure that all employees of St Francis Xavier effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of the School and manage risk.

Objective

The School aims to ensure that all employees are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of the School.

Policy coverage

This policy applies to all employees at the School including:

- School Principal
- Deputy Principal and others in leadership roles
- Business Manager, Bursar and staff with financial responsibilities
- all other teaching staff
- all other non-teaching staff.

This policy supplements any conflict of interest obligation arising under an employee's contract of employment. It is expected that all employees participate fully in conflict of interest disclosure and management.

Policy statement

St Francis Xavier recognises the importance of providing a framework in which conflicts of interest are identified, disclosed and managed appropriately.

The School is committed to building a workplace that is free from fraud or corruption or the perception of fraud or corruption. This policy has been developed because conflicts of interest may arise, and do not need to present a problem to staff or the School if they are openly and effectively managed. For these reasons it is important that all employees share a responsibility for strengthening this commitment to identify, disclose and manage conflicts of interest appropriately.

Having a conflict of interest does not necessarily amount to a breach of this policy. However, failure to disclose a conflict of interest may constitute a breach.

Apart from the obligations under this policy, employees may also have obligations arising under their

contract of employment or under another school policy in relation to:

- engaging in other employment or paid activities
- disclosure of any social/family relationships with students outside the context of the student/employee relationship
- child safety disclosures.

Definition of conflict of interest

Conflict of interest arises where an employee's duty to the School is affected by a personal interest. In such cases, the line between personal and professional conduct may become blurred and interfere with an employee's capacity to perform their position.

Personal interests may be financial or non-financial, and may be held in relation to:

- family members
- close friends
- associates.

Conflict of interest is commonly 'positive' (e.g. motivated by financial/personal gain) but can also be 'negative' (e.g. motivated by harm to another person).

It is worth bearing in mind that conflict of interest can arise without intent to 'cross the line' between professional and personal interest. In other words, conflict of interest can be not only actual, but also **potential** or **perceived**.

- A **potential** conflict of interest is one which is foreseeable from the circumstances, but has not yet become actual (for example, where a job applicant is related to a recruitment panel member, but the applications have not yet been processed).
- A **perceived** conflict of interest is one where the circumstances indicate to a reasonable person that an employee's duty to the School is affected, whether there is an actual conflict of interest or not (for example, a politics teacher may belong to a political party without that membership affecting their ability to grade student work, however, it may be perceived that such membership would affect their ability to impartially assess that work).

The fact that a staff member has a relationship (e.g. family, friendship) with someone connected with the School does not necessarily mean there is a conflict of interest. Whether a conflict of interest (actual, potential or perceived) exists depends on the circumstances. For example, a mother and daughter may both teach in different subject areas at the same secondary college and no conflict of interest arises. However, if the mother is the principal and the daughter is applying for a position at the school, a potential conflict of interest arises and the conflict should be disclosed and managed appropriately.

Typical conflict of interest situations

There are many situations where a conflict of interest may arise in a school situation. Some of the more common situations are outlined below.

Other employment/paid activities

An employee undertaking other employment or paid activities may give rise to a potential/actual/perceived conflict of interest, particularly when the other work is related to work duties. Depending on the circumstances, an employee's ability to perform their work duties may be adversely affected by the other employment/activities.

Apart from ongoing obligations under this policy, an employee must meet certain conflict of interest obligations under their contract of employment. Namely, the employee must notify the principal in writing of the other employment/activities. The principal will then determine whether a potential/actual conflict of interest exists. All conflicts of interest are to be managed in the interests of the School.

Disposal of school assets

The disposal of school assets has potential conflict of interest implications such as fraud or unofficial use of equipment.

School employees do not have priority access to surplus school assets. The School reserves the right to notify the public of any asset sales. Employees may make an offer post-notification.

Accepting gifts and benefits

It is a policy at this School that employees may accept 'token gifts' from external parties for work they have done, where the total value of the gift is under \$100. For example, a 'token gift' may be a bottle of wine or a moderately-sized food hamper.

Accepting gifts other than a 'token gift' or accepting gifts/benefits over the value of \$100 may be deemed a conflict of interest.

Note that this policy covers gifts/benefits from external parties. It does not preclude, for example, the School or collective staff providing a gift to a departing member of staff or the departing staff member accepting such a gift.

If it could be perceived that acceptance of a gift/benefit could constitute a potential conflict of interest, the employee should refuse the offer of the gift/benefit and declare the offer to the principal. Even if the value of the gift/benefit is under the nominated amount listed above, the Gift or Benefit Declaration Form should be completed in most circumstances. The reason for this is to ensure that gifts and benefits are appropriately disclosed and any perceived or real conflict of interest is managed appropriately.

The minimum requirement for employees when gifts/benefits, other than 'token gifts' or those of a nominal value below \$100, are offered are that employees:

- do not solicit gifts or benefits
- refuse all offers of gifts or benefits that could reasonably be perceived as undermining the integrity of the School or themselves
- inform the gift giver that 'thanks is enough' and the gift is thoughtful but not required in relation to their work or services

- refuse all offers of gifts or benefits from individuals or organisations about which they are likely to make decisions (e.g. tender processes, procurement or licensing or regulation)
- refuse all offers of money or items easily converted to money, such as shares
- refuse bribes and report bribery attempts to the principal
- seek advice from the principal if unsure how to respond to an offer of a gift or benefit of more than a nominal value.

Procuring goods and services

A potential or perceived conflict of interest may exist when a contractor used at the School is also engaged by an employee for private work. In some situations, a contractor may offer or provide private work at a discounted rate to ensure they remain in good favour for future contracts. This may mean that an employee receives a private benefit which could become a potential conflict of interest if they are also involved in decisions for the procurement of goods or services for the School.

If it could be perceived that the contractor's work performed for the employee in their private capacity is a conflict of interest then the employee should ensure that the private work is charged at standard and published rates. Furthermore, the employee should declare the engagement of the contractor for private work and/or any relationship with the contractor prior to any future awarding of contracts for the procurement of goods or services for the School.

To avoid a potential or perceived conflict of interest for the procuring of goods and services it is recommended that procurement decisions are made by a panel rather than one person.

Staff recruitment

A conflict of interest exists in the recruitment of a person with whom an employee has a current or past professional/personal relationship or in whose recruitment they have a vested interest.

Where an employee is part of a recruitment panel and becomes aware of such a relationship to a job applicant, they should declare the conflict of interest to the principal. The principal will then determine a conflict of interest management plan (see below 'Managing a conflict of interest') in consultation with the employee, for example the employee may remove himself/herself from the recruitment panel.

Identification and disclosure of conflict of interest

All employees have a continuing responsibility for identifying, declaring and managing any potential or perceived conflict of interest that applies to them.

Where an employee suspects that they may have a potential/perceived/actual conflict of interest, the employee needs to discuss any conflict of interest with the principal and provide the principal with a completed Conflict of Interest Declaration form. Employees should provide all information on the reporting form relevant to the identified conflict of interest in order to allow the principal to fully assess whether a conflict of interest in fact exists.

There may be circumstances in which a potential/actual/perceived conflict of interest involves the principal. In such a situation, the principal or another employee should discuss the matter directly with the employer.

Managing conflict of interest

If the principal determines there is a potential/perceived/actual conflict of interest, the principal will prepare and propose a conflict of interest management plan. The employee has a responsibility to discuss any proposed conflict of interest management plan with the principal.

The principal will consider any input the employee may have in relation to the proposed management plan, however the employee is obliged to follow any conflict of interest management plan decided upon by the principal.

There may be circumstances in which a potential/actual/perceived conflict of interest involves the principal. In such a situation, the principal will work with the employer to develop the conflict of interest management plan.

Conflict of interest management plans will ensure conflicts are managed and resolved based on the following strategies:

Record and disclose	Ensure all information surrounding the conflict of interest has been disclosed and documented appropriately.
Restrict	Restrictions are placed on the employee's involvement in the matter or the scope of the work is reformulated or there is a restriction on access to certain information.
Recruit and monitor	A non-conflicted third party is used to oversee part or all of the process that deals with the matter.
Remove	The employee removes themselves, or is removed, from the matter. For example, in a situation in which a job applicant is related to a member of the recruitment panel for that position, a conflict of interest management plan might be for that panel member to step down from their position during the selection process for that position only.
Relinquish	The employee relinquishes the private interest that is creating the conflict. Where relinquishing the interest is not possible (e.g. relationship with family) and the conflict cannot be managed using one of the other options above, the employee may consider removing themselves from the process.

Conflict of interest management plans included in the Conflict of Interest Declaration form should be reviewed regularly to ensure they remain effective.

Consequences of breaching this policy

Conflicts of interest are not in themselves unethical or contrary to this policy. However, if an employee fails to identify (or, where required, manage/monitor) any actual/perceived/potential conflict of interest, this may result in disciplinary action or, depending on the seriousness of the circumstances, termination of employment.

Employees need to also be aware of the various school policies, guidelines and codes of conduct

referred to in this policy which are relevant to conflicts of interest.

Conflict of interest checklist for employees

1. Complete the Conflict of Interest Declaration form or the Gift/Benefit Declaration form.
2. Discuss circumstances of the conflict of interest situation with the principal or employer.
3. Follow the conflict of interest management plan decided upon by the principal or employer.
4. Monitor the conflict of interest situation on an ongoing basis, informing the principal or employer of any change to circumstances of the conflict of interest situation.

Related policies

This Conflict of Interest Policy relates to other relevant school policies and professional expectations, including:

School Code of Conduct

The Victorian Teaching Profession Code of Conduct

Evaluation

This policy will be reviewed as part of the school's review cycle.

This policy was updated in June 2021.