

## Conflict of Interest Policy

### Background

A conflict of interest (COI) arises in circumstances where an employee's private interests can influence or be seen to influence a public duty. It can affect employees at all levels of seniority and in every area of work in the Department of Education and Training (DET). Conflicts of interest are an inevitable fact of organisational life, and can arise without anyone being at fault. However, where an actual, potential or perceived COI exists, it creates serious risks for the DET and for the individual which must be identified and managed appropriately.

COI can be **actual**, **potential** or **perceived**. A potential COI refers to circumstances where it is foreseeable that a COI may arise in future and steps can be taken now to mitigate any risk. A **perceived** COI arises where a reasonable person might think that an employee could be unduly influenced by a private interest, even if the employee is confident of their own objectivity.

This policy relates to all staff and School Councillors at Huntingdale Primary School, as we are part of the Victorian Government Education system.

### Purpose

To:

- Support transparency and promote individual responsibility at Huntingdale Primary School in regards to COI.
- Implement DET's Values of Accountability, Human Rights, Impartiality, Integrity, Leadership, Respect and Responsiveness.
- Develop an organisational culture which encourages effective management of COI.
- Be compliant with the relevant DET policies in regards to COI.

### Implementation

- The Principal has the overall responsibility of implementing this policy
- In addition to managing their own COI, the Principal plays a role in supporting their staff to identify and address COI by:
  - Being aware of the risks of COI which are inherent to the work of the staff they manage
  - Making their staff aware of their obligations under COI policy and other relevant policies and procedures
  - Identifying the training needs of their staff members in relation to COI policy and practice. For example, the Principal will alert staff to this policy at the commencement of each year and provide information and education about DET's values.
  - Advising their staff about appropriate ways to address COI
  - Recording disclosures of COI reported to them by staff members
  - Assisting staff members to identify and implement appropriate management strategies
  - Continually monitoring the work of staff they manage and assessing the risks to which they might reasonably be exposed



- Taking appropriate disciplinary action in relation to employees who apparently fail to meet their obligations under Department policy
- Modelling Department values through transparent and consistent management of their own COI.

The Code of Conduct for Victorian Public Sector Employees (the Code) is binding on all public sector employees, which includes members of the Teaching Service and the Victorian Public Service (VPS). School Council employees are also considered public sector employees by virtue of the fact that they are employed by the School Council, which is a public entity for the purposes of the Public Administration Act 2004. Public Sector Employees must:

- Remain apolitical when carrying out their duties.
- Remain open and transparent when making decisions.
- Not use their power at work to provide a private benefit to themselves, their family, friends or associates. They exercise their power in a way that is fair and reasonable, and family or other personal relationships do not improperly influence their decisions.
- Maintain a strict separation between work-related and personal financial matters and only use or authorise the use of public financial resources or facilities for work-related purposes.
- When making a public comment in a private capacity, public sector employees ensure their comments are not related to any government activity that they are involved in or connected with as a public sector employee and make it clear they are expressing their own view. They ensure personal comments do not compromise their capacity to perform their public sector role in an unbiased manner, and that their comments are not seen or perceived to be an official comment.
- Only engage in other employment where the activity does not conflict with their role as a public sector employee. Employment includes a second job, conducting a business, trade or profession, or active involvement with other organisations (paid employment or voluntary work). Managers or supervisors can assist public sector employees to determine if such activities will cause an actual or perceived conflict of interest.
- Make decisions and provide advice that is free of prejudice or favouritism, and is based on sound judgment. Their decisions are not affected by personal influences.
- Not, for themselves or others, seek or accept gifts or benefits that could be reasonably perceived as influencing them.

### **School Council**

School Councillors who are not employees of the Department (such as parents) are not bound by the *Code of Conduct for Victorian Public Sector Employees*. However, they are bound by the *Directors' Code of Conduct and Guidance Notes* (also called the *Victorian Public Entity Directors' Code of Conduct 2006*) issued by the Public Sector Standards Commissioner. Relevant duties under this Code are to:

- Act with honesty and integrity
- Act in good faith in the best interests of the public entity
- Act fairly and impartially
- Use information appropriately
- Use the position appropriately
- Act in a financially responsible manner
- Exercise due care, diligence and skills
- Comply with the establishing legislation
- Demonstrate leadership and stewardship.



The Principal, as the executive officer of School Council, will advise School Councillors about appropriate steps they should take to ensure responsible management of risks of COI. Councillors should be referred to the principles and processes outlined in this policy for guidance. In addition, regulation 21 of the *Education and Training Reform Regulations 2007* requires that if a member of the school council or a member of his or her immediate family has any direct COI (including a pecuniary interest) in a subject or matter under discussion at a school council meeting, that member:

- Must not be present during the discussion unless invited to do so by the person presiding at the meeting
  - Must not be present when a vote is taken on the matter
  - May be included in the quorum for that meeting.
- More information about COI can be found at:  
<http://www.education.vic.gov.au/hrweb/workm/Pages/Conflict-of-Interest.aspx>

### **Disciplinary Action for Breach of COI Policy**

A breach of the Code of Conduct for Victorian Public Sector Employees or Ministerial Order 199 may constitute misconduct and give rise to action under Division 10, Part 2.4 Education and Training Reform Act 2006. Disciplinary action may include a reprimand, a fine, a reduction in classification, or termination of employment; it must be proportionate with the seriousness of the misconduct.

### **COI Officer**

The Department's COI Officer is responsible for providing advice to managers and members of the Principal Class on applying COI policy to situations where COI have been reported to them, or where they anticipate situations of conflict.

### **Evaluation**

This policy will be reviewed as part of the school's 3 year cycle or as needed to comply with DET policy changes.

### **Document Status**

<b>Reviewed</b>	<b>School Council Ratification</b>	<b>Next Review</b>
February 2018	20 <sup>th</sup> February 2018	20 <sup>th</sup> February 2021