

Conflict of Interest Policy

Background

Conflict of Interest (COI) arises in circumstances where an employee's public duty is influenced, or can be seen to be influenced, by a private interest.

Private interests include both financial and non-financial interests, and can include the interests of family members and close friends or associates. They can be positive or negative interests — personal enmity towards someone can be just as relevant as loyalty to them.

The public duty of all employees of the Department (both in the Teaching Service and the Victorian Public Service) and employees of school councils includes the obligation to perform all duties in accordance with public sector values, which include 'accountability', 'integrity' and 'impartiality'. A conflict therefore arises if a private interest might undermine an employee's ability to perform a particular role in accordance with these values, whether or not the outcome of the task or function is affected, an employee's benevolent intention does not mean that risks of perceived COI can go unaddressed.

While COI can lead to corruption and fraud, it mostly arises innocently and independently of any fraudulent intent and should be managed with this in mind — with transparency, consistency and without favouritism or exception.

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:

- Identify the principles which inform the responsible management of COI risks in the Department.
- Know the responsibilities of all Department employees and managers for the management of COI risks.
- Understand the steps employees can take to manage COI risks.
- Support transparency and promote individual responsibility at Huntingdale Primary School in regard 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 regard to COI.



Implementation

- The Principal has the overall responsibility of implementing this policy.

Responsibilities

All Employees

All employees, including managers and executive officers, have a responsibility to avoid any Conflict of Interest (COI) that may affect their public duty. Where a conflict is identified, reasonable steps must be taken to address it in order to protect the public interest.

The primary basis for this obligation is the [Code of Conduct for the Victorian Public Sector Employees](#), which is binding on all public sector employees including members of the Teaching Service and the Victorian Public Service (VPS). It is also binding on School Council employees.

All Department employees, including members of the Teaching Service and VPS employees, are responsible for:

- Being aware of their obligations to avoid and address COI and being familiar with this policy.
- Continually assessing their private interests and public duties in order and identify whenever they are subject to a COI.
- Reporting identified COI to their manager, (or in certain circumstances to the relevant Panel, Committee or Board).
- Assessing the risks related to identified conflicts and taking reasonable steps to address these risks in accordance with Department policy and procedures so that the public interest is protected.
- Ensuring that declarations and agreed plans for managing conflicts of interest are recorded in writing.
- Declare any conflict of interest using the Declaration of Conflict of Interest form in EduPay.
- Have access to the COI resources that DET has at:
<https://www2.education.vic.gov.au/pal/conflict-interest/resources>
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Managers

In addition to managing their own COI, managers play 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.
- 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.



School Councils

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.

Principals play a role, as executive officers of school councils, in advising 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.

High Risk Areas

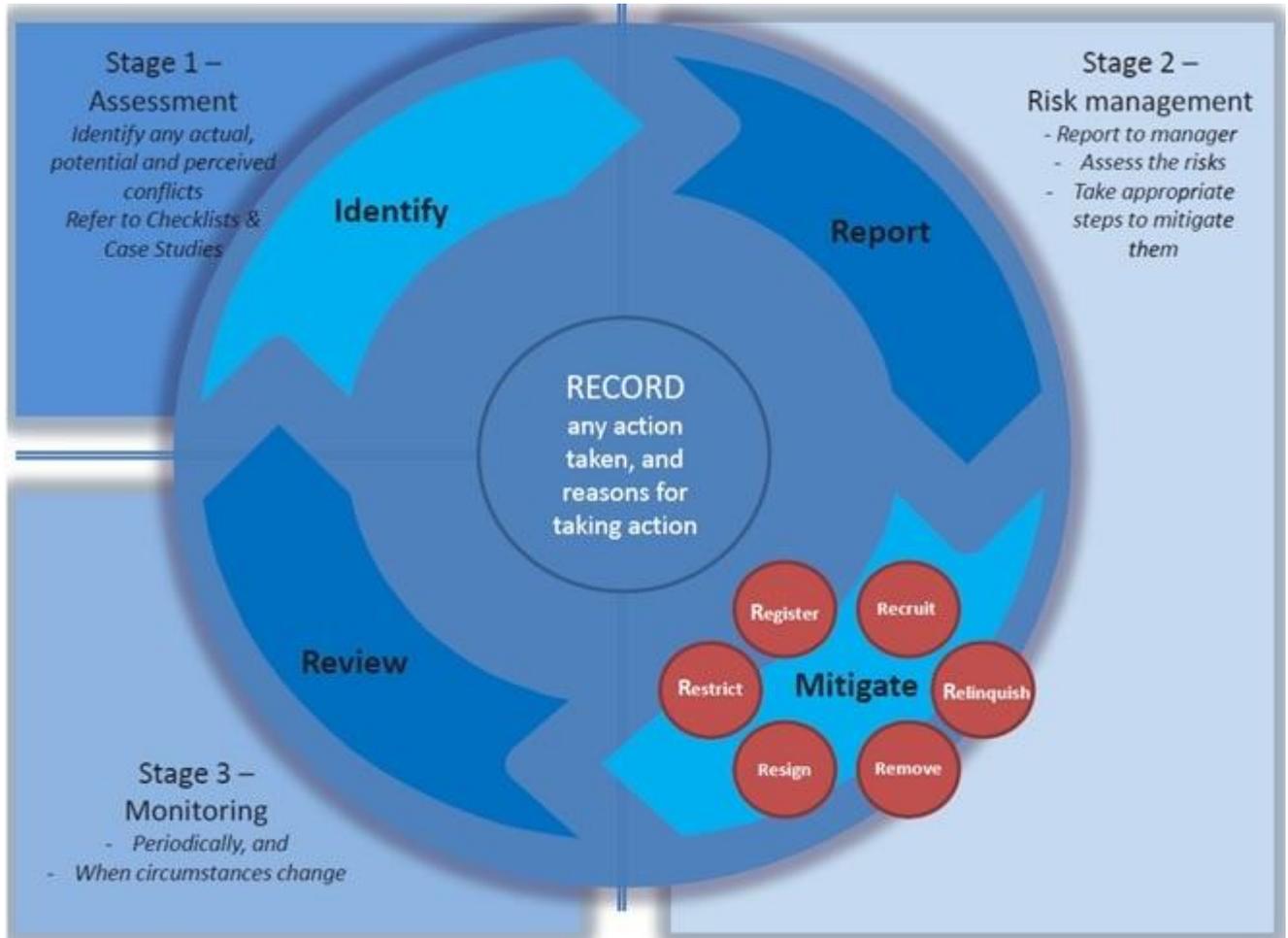
Risks of Conflict of Interest (COI) are typically significant in relation to 3 types of activity:

- Recruitment and selection
 - Procurement (tendering, purchasing, contracting)
 - Funding allocation or licensing
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- Other areas of high risk include contractor management, other work (external employment), receiving gifts, benefits or hospitality, complaints management and disciplinary processes, and managing private or public partnerships.
 - Activities which carry a high risk of COI should be subject to considered and systematic scrutiny. It is recommended that schools undertake assessments of COI risk in relation to relevant roles and duties and, where appropriate, develop guidelines which identify specific expectations on employees for the responsible management of these risks.



Process of Managing Conflict of Interest

- The diagram below shows the steps for managing COI.
- <https://www2.education.vic.gov.au/pal/conflict-interest/policy-and-guidelines/process-managing-risks-coi> gives more detailed information about each step.



Disciplinary Action for Breach of COI Policy

An employee's failure to identify, report, address or monitor Conflict of Interest (COI) in accordance with this Policy could constitute misconduct and could lead to disciplinary action which could lead to their dismissal. Further information about misconduct inquiries in relation to Teaching Service or Victorian Public Service (VPS) employees can be found on [Complaints, Misconduct and Unsatisfactory Performance — Teaching Service](#).

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

Reviewed	School Council Ratification	Next Review
February 2018	20 th February 2018	20 th February 2021
March 8 2021- Principal		March 2024