



# St Francis Xavier Primary School

## Conflict of Interest Policy

### **Rationale**

The purpose of this policy is to ensure that all employees of St. Francis Xavier School 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.

At St. Francis Xavier Primary School, we aim 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.

This policy applies to all employees at St. Francis Xavier School including:

- School Principal
- Deputy Principal and others in Leadership roles
- 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.

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.

### **Purpose:**

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

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.

### **Implementation:**

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.

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.**

##### **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 not over \$50. 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 **\$50** may be deemed a conflict of interest. This does not include communal gifts from parents i.e. where parents pool money together to buy a gift for a teacher. In this case this is averaged out across the number of parents who have donated for the gift.

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 **\$150** 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.

### ***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***

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.

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

<b>Record and disclose</b>	Ensure all information surrounding the conflict of interest has been disclosed and documented appropriately.
<b>Restrict</b>	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.
<b>Recruit and monitor</b>	A non-conflicted third party is used to oversee part or all of the process that deals with the matter.
<b>Remove</b>	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.
<b>Relinquish</b>	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.

#### ***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.

#### ***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 Parish Priest.
3. Follow the conflict of interest management plan decided upon by the Principal or Parish Priest.
4. Monitor the conflict of interest situation on an ongoing basis, informing the Principal or Parish Priest of any change to circumstances of the conflict of interest situation.

#### **Evaluation:**

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

#### **Related policies**

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

- MACs-SFX Code of Conduct/Behaviour Policy
- The Victorian Teaching Professional Code of Conduct issued by the Victorian Institute of Teaching.

#### **References:**

- Catholic Education Commission Victoria Conflict of Interests Template 2018



# St Francis Xavier Primary School

## Conflict of Interest Declaration Form

Please complete this form if you believe that you may be involved in a conflict of interest situation or if you are unsure and seek to disclose a potential or perceived conflict of interest.

Please read the St Francis Xavier Primary School Conflict of Interest Policy.

### 1. Personal Details

Name:

Position at SFX:

Ph. Number:

Email:

### 2. Disclosure Details

**The actual or perceived conflict of interest relates to:** (tick all appropriate box/s)

- |   |   |
|---|---|
| <input type="checkbox"/> Relationship with family or friends                  | <input type="checkbox"/> Staff recruitment                          |
| <input type="checkbox"/> Outside work activities (paid/unpaid)                | <input type="checkbox"/> Relationship with external parties         |
| <input type="checkbox"/> Financial interest                                   | <input type="checkbox"/> Disposal of school assets                  |
| <input type="checkbox"/> Gifts/benefits                                       | <input type="checkbox"/> Provision of external consultancy services |
| <input type="checkbox"/> Provision of private tutoring                        | <input type="checkbox"/> Procurement of goods and services          |
| <input type="checkbox"/> Relationship with SFX Families                       |   |
| <input type="checkbox"/> Other (if you selected other please provide details) |   |

**The following actual, potential or perceived conflict of interest has been identified.** (please insert all relevant details) e.g. gift received

**The (actual, potential or perceived) conflict is expected to last:** (tick appropriate box)

- |                                      |  |
|--------------------------------------|--|
| <input type="checkbox"/> 0–12 months | <input type="checkbox"/> >12 months or ongoing |
|--------------------------------------|--|

### 3. To be Completed by the Principal/Employer

**In my opinion the details provided:** (tick appropriate box)

- |  |
|--|
| <input type="checkbox"/> do not constitute a conflict of interest, and I authorise the employee to continue the activity (go to Section 4).  |
| <input type="checkbox"/> do constitute an actual, potential or perceived conflict of interest (please provide a detailed action plan below). |

**If the situation does constitute a conflict of interest, please ensure that the following actions have been considered:**

- ensure all information surrounding the conflict has been disclosed and documented
- inform likely affected persons of the conflict, seeking their views where relevant as to whether they object
- reformulate the scope of work or restricting access to certain information
- recruit a third party to oversee part or all of the process
- recommend to relinquish the interest that is causing the conflict
- temporarily remove the person from the process or responsibilities
- monitor the person's activities closely in relation to the conflict of interest
- take no further action because the conflict is minimal.

**I have reviewed the above considerations and request that the Employee takes the following action to eliminate/manage the conflict:**

#### **4. Employee Declaration**

To the best of my knowledge and belief any actual, perceived or potential conflicts between my duties as an employee and my private and/or business interests have been fully disclosed in this form in accordance with the requirements of the St Francis Xavier Primary School Conflict of Interest Policy.

I acknowledge, and agree to comply with, any approach identified in this form for removing or managing an actual, perceived or potential conflict of interest.

Signature:

Date:

#### **5. Principal/Employer**

The actions described in the approach outlined in Section 3 have been put in place to effectively manage any actual, potential or perceived conflict of interest disclosed in Section 2. The approach outlined in Section 3 ensures that the St Francis Xavier Primary School's public interests and reputation is adequately protected.

Name:

Signature:

Date: