



# Conflict of Interest Procedure – MACS Employees and Volunteers



## Purpose

These procedures outline requirements for the implementation the Conflict of Interest Policy.

## Scope

These procedures apply to:

- Employees, contractors, consultants and volunteers in Melbourne Archdiocese Catholic Schools Ltd (MACS) and its subsidiary, Melbourne Archdiocese Catholic Specialist Schools (MACSS) (collectively **Staff** in this policy).

These procedures do not apply to:

- MACS Board directors, board committee members, MACS Executives and school-based Responsible Persons. Please refer to the Conflict of Interest Procedures – Responsible Persons.

## Procedures

### 1. Identifying and disclosing conflicts of interest

- 1.1. Staff are required to disclose all actual, perceived, or potential conflicts of interest disclosure statement at the time of appointment. This statement must be completed even when no conflict of interest exists. A new disclosure statement is required whenever an actual, perceived, or potential conflict of interest arises.
- 1.2. The requirement for completing a conflict of interest disclosure statement is clearly outlined in employment contracts.

When completing the disclosure statement, Staff should consider the following:

*Would a reasonable person (properly informed about the nature of your personal interest) believe that you might be influenced by your personal interest when making decisions on behalf of MACS or a MACS school?*

- 1.3. The disclosure statement includes:
  - name and position of MACS Staff member
  - type of conflict of interest (actual, perceived, potential, none)
  - details of the conflict of interest
  - proposed plan for managing / resolving the conflict of interest
  - agreement of Staff member to update the statement in accordance with the requirements of the Conflict of Interest Policy
- 1.4. School Advisory Council members should disclose conflicts of interests in the same manner as other school-based volunteers.
- 1.5. Staff who have membership on external boards or committees, should include this membership in their disclosure statement. This membership will be included in the register of interests.
- 1.6. Staff who undertake other paid activities outside the school or office, must notify their Manager or Principal and complete a disclosure form.

## Process for submitting disclosure statements

- 1.7. All Staff in MACS offices and schools are required to complete a disclosure statement using the Conflict of Interest Disclosure Statement Form and the processes indicated in Table 1.

**Table 1: Submission of disclosure statements**

Role	Return to	Process
MACS office Staff	General Manager, People Experience	Office system
Staff in MACS schools	Principal	School based system

- 1.8. If a MACS office Staff member discloses a conflict of interest at the time of appointment, the General Manager, People Experience will refer this to the Staff member's Manager for review and management.
- 1.9. In schools, the Principal will review and manage any conflicts of interest that are disclosed. The Principal may seek advice from the relevant Senior Manager, School Leadership (SMSL) or General Manager (Regions).

## Identification of a conflict of interest after appointment or engagement at MACS

- 1.10. If a Staff member identifies a conflict of interest after their appointment and since the disclosure statement was provided, the matter should be raised as soon as possible with their Manager or Principal.
- 1.11. Principals in MACS schools can consult the relevant SMSL or General Manager (Regions) or General Manager, Employee Relations for advice.
- 1.12. If a conflict of interest is identified and confirmed, the staff member will be required to update the disclosure form and follow the management plan developed by the MACS Manager or Principal.

### 2. Management of conflicts of interest

- 2.1. Once disclosed, the Staff member will discuss the management of the conflict with their Manager or Principal.
- 2.2. Any management plan proposed by the Staff member in their disclosure statement will be considered by the Manager / Principal developing the management plan. The Staff member is obliged to follow the management plan approved by their Manager or the Principal.
- 2.3. The Manager or Principal will consider the following factors in determining how to best manage the identified conflict of interest:

Nature of conflict of interest	Pecuniary or non-pecuniary Actual, potential, or perceived Duration or scope of the conflict within the office or school
Role of the Staff member	Level of responsibility – decision making authority Level of influence Other factors related to the role/position held by the person
Risk to MACS	Posed by the conflict of interest If the conflict is not managed appropriately

## Process for managing conflicts of interest

- 2.4. The process recommended for managing conflicts of interest in MACS offices and schools is outlined in Table 2.

**Table 2: Recommended process for management of conflicts of interest**

Actions of manager / principal	Strategy
<b>Discuss with Staff member</b>	<p>The MACS Manager or Principal will discuss the issue with the Staff member to obtain as much information as possible regarding the risk associated with the circumstances.</p> <p>Advise Staff member of their responsibility under the Conflict of Interest Policy to resolve the conflict in favour of ensuring the best interest of the MACS or the MACS school</p>
<b>Seek written submission from the Staff member</b>	<p>When a Staff member is subject to an actual or potential conflict of interest, they will provide a written submission in the disclosure statement outlining the nature of any conflict of interest, its potential risks, and any mitigating steps they consider would resolve it.</p> <p>If the Staff member does not believe there is a conflict of interest, they should be asked to justify this view in writing, with reference to the Conflict of Interest Policy.</p>
<b>Form your own view</b>	<p>Make your own assessment of the situation and surrounding circumstances based on the information you have. Seek advice as required.</p> <p>Take reasonable steps to get more information if necessary; seek advice from your manager or consider convening a panel to deal with the situation.</p> <p>Determine the level of risk to MACS and minimum steps required to address the risk.</p> <p>Recommended strategies for managing the conflict of interest are listed in Table 3.</p>
<b>Consider if the Staff member's suggestion adequately addresses the conflict of interest</b>	<p>Assess whether the person's preferred management strategy is reasonable, given the risks of actual, perceived, or potential conflict of interest.</p> <p>Develop an appropriate strategy.</p> <p>If it is reasonably necessary, direct the staff member to adopt a particular mitigation strategy.</p>
<b>Record the decision taken</b>	<p>Make a record of the discussion and agreed actions for management of the conflict of interest.</p> <p>Ensure appropriate confidentiality is maintained.</p> <p>If the discussion has occurred between a line manager and the person with a conflict of interest, refer the management plan to the relevant MACS Manager or Principal for approval.</p> <p>The decision and management plan should be recorded in the register of interests.</p>
<b>Monitor the situation</b>	<p>The conflict of interest management plan should be reviewed in line with the timeframe proposed in the plan. Any review and decisions made are to be recorded.</p>

2.5. Common strategies for managing conflicts are outlined in Table 3. One or more of these may be used.

**Table 3: Strategies for managing conflicts of interest**

Action	Strategy
Record and disclose	Ensure all information surrounding the conflict of interest has been disclosed and documented appropriately.
Restrict	Place restrictions on the involvement of the staff member in the matter or reformulate the scope of the work or restrict access to certain information.
Recruit and monitor	Use a non-conflicted third party to oversee part or all the process that deals with the matter.
Remove	The staff member 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 staff member 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 staff member may consider removing themselves from the process.

## Complex cases

- 2.6. In some circumstances, it may be necessary to convene a panel to assist in determining the management plan. This may be appropriate when the conflict of interest:
  - is complex in nature
  - poses significant risk to MACS
  - also involves the staff member's Manager or Principal
- 2.7. For MACS office-based staff members, the matter should be referred to the General Manager, People Experience to determine if a panel is required and the make-up of the panel.
- 2.8. For Staff in MACS schools, the matter should be referred to the General Manager (Regions) to determine if a panel is required and the make-up of the panel. The General Manager (Regions) may seek advice from the General Manager, Employee Relations.

## Management plans

- 2.9. Any management plan will detail the agreed strategies for managing the conflict of interest, including a decision not to take any action. The management plan will include:
  - nature and details of the conflict of the interest and risk to MACS that was identified
  - agreed actions to manage the conflict of interest
  - timeline for review of the management plan
- 2.10. The MACS management plan template is to be used to document the agreed actions. (Appendix 1)

## School Advisory Council members

- 2.11. School Advisory Council members make a disclosure statement at the time of appointment in the same way as other school-based volunteers.
- 2.12. Conflicts of interest may arise at School Advisory Council meetings. The declaration of conflicts of interest should be a standing agenda item at each meeting. Any conflicts and actions to manage the conflict should be minuted and recorded in the register of interests.

### 3. Register of interests

- 3.1. Key information from the disclosure form and management plan (if applicable) is recorded in the register of interests:
  - name of staff member

- position within MACS office or school
  - date the interest was disclosed
  - nature of interest
  - type of interest (actual, perceived, potential)
  - description of actions to manage the conflict
  - date for review
  - outcome of review
- 3.2. A copy of the template for the register of interests is included as Appendix 2 Register of Interests – Template.

## Maintenance of registers of interest

Location	Responsibility
MACS Office	General Manager, People Experience
School	Principal

- 3.3. The register of interests for MACS office Staff maintained by the General Manager, People Experience. This task can be assigned to another staff member.
- 3.4. The principal in each MACS school is responsible for ensuring that a register of interests is kept in the school. This task can be assigned to another employee. The register of interests kept in the school must include any interests relating to the Principal, all Staff and School Advisory Council members. (Information of any conflicts of interests involving school-based Responsible Persons must also be provided to the General Manager, Employee Relations as outlined in the Conflict of Interest Policy and Procedures for Responsible Persons).
- 3.5. The information provided by the Staff member will be recorded in the register of interests by the person in the MACS office or school with responsibility for maintaining and updating the register.

### 4. Monitoring and review

- 4.1. The Manager or Principal will review the management plan in line with the timeline included in the management plan or at least annually.
- 4.2. The registers of interests:
- must be updated at least annually
  - must be available to the Executive Director with reasonable notice upon request or as part of regular reporting requirements.
- 4.3. The annual review of a management plan will consider whether:
- the conflict of interest still exists and requires ongoing management
  - the strategies outlined in the management plan remain effective
  - new or revised strategies are required
- 4.4. Disclosure forms, management plans and registers must be retained accordance with the relevant MACS policies, procedures and schedules for recordkeeping, retention, and disposal.

### 5. Notification obligation

- 5.1. If any person suspects another Staff member has failed to disclose a conflict of interest, they must notify the relevant manager in writing, as soon as practicable. The process for notification is indicated in Table 4.

**Table 4: Raising a potential conflict of interest**

Failure to disclose a Conflict of Interest by	Raise the potential conflict of interest with
Board director, board committee member	Company Secretary
MACS office Staff	General Manager, People Experience
Company Secretary	Executive Director
Principal	General Manager, Employee Relations
Responsible persons in MACS schools	General Manager, Employee Relations
MACS Staff (including School Advisory Council members)	Principal

## Investigation of alleged non-disclosure

- 5.2. When investigating an alleged non-disclosure of a conflict of interest and undertaking appropriate action, the relevant body or person will:
- raise the concern with the relevant person that is alleged to not have disclosed a conflict of interest and provide an opportunity for a response
  - follow any applicable complaint handling procedures and/or the Whistleblower Policy
  - ensure any relevant action undertaken rectifies any non-disclosed conflict of interest and steps are taken for the conflict to be managed and
  - take necessary steps to increase awareness and understanding of conflicts and the operation and implementation of this policy.

## Roles and reporting responsibilities

Employees and volunteers should refer to the Conflict of Interest Policy for reporting responsibilities applicable in the Policy.

## Definitions

### Conflict of Interest

A conflict of interest arises where a person's personal interest conflicts with their responsibility to act in the best interests of MACS and its subsidiaries. A conflict of interest may be categorised as:

- **actual conflict of interest** occurs when there is a real conflict between a staff member's role at MACS and their private interests
- **potential conflict of interest** occurs where a person's private interests do not currently conflict with those MACS, but it is foreseeable from the circumstances they could potentially conflict in the future (for example, where a job applicant is related to a recruitment panel member, but the applications have not yet been processed)
- **perceived conflict of interest** occurs where a third party could reasonably believe a conflict exists (for example, where a MACS employee who has previously worked at a MACS school is required to assist or undertake an investigation into conduct at that school, it may be perceived that this past involvement could affect their ability to impartially support the investigation).

### Contractor

Those engaged on a short-term and/or regular basis for the provision of specific services for MACS or in a MACS school. This includes those engaged on a labour-hire arrangement, e.g., through an agency that provides casual staff. Contractors are typically engaged on a service agreement.

**Consultant**

A person engaged by MACS or a MACS school to provide professional or expert advice on a particular subject or matter for a fee. Consultants are typically engaged on a consultancy agreement.

**Employee**

For this policy unless specified, employee includes a person employed by MACS on an ongoing or temporary employment contract and includes contractors and consultants.

**MACS Executive**

A member of the executive leadership team (ELT) of MACS.

**MACS Manager or Manager**

Refers to a position within a MACS office, such as a general manager/manager of a business unit, regional general managers, directors, chief financial officer and chief information officer that employees, contractors and consultants report to. In a school, this would refer to the principal.

**MACS Staff or Staff member**

In this policy, staff refers to people who carry out work in any capacity for MACS or its subsidiaries, and includes employees, volunteers, consultants, contractors and School Advisory Council members.

**Personal interests**

Personal interests include direct interests as well as those of family, friends or other organisations a person may be involved with or have an interest in. It also includes a conflict between a person's duty to act in the best interests of MACS or a MACS school and another duty that the person has (for example, to another charity or any other entity).

Personal interests may be financial or non-financial, and can be identified as follows:

- **pecuniary interests** exist where there is financial gain or loss involved, even if money does not specifically change hands
- **non-pecuniary interests** exist when no financial component exists, but an interest exists where there are relationships, social or cultural ties or involvement in an outside or related organisation.

**Principal**

Individual appointed as principal by MACS in a MACS school

**Responsible person**

In accordance with the Responsible Persons Policy, MACS responsible persons are:

- the sole member of MACS, the Archbishop of the Archdiocese of Melbourne
- Board directors
- Executive Director and MACS Executives
- Company Secretary
- Principals, deputy principals and other persons, including business managers concerned in, or taking part of the management of MACS schools
- any other person who by their conduct assumes a position of authority over the governance or management of a MACS school.

**School Advisory Council (SAC)**

Advisory body in a MACS school which expresses the educational partnership between parents, the school, parish, and wider community. The SAC provides a forum for discussion where parent voice and community perspective are available to provide advice and support decision-making within the school.

**Volunteer**

A person who performs work without remuneration.

# Related policies and documents

## Supporting documents

Appendix 1: Conflict of Interest disclosure statement and management plan – Template

Appendix 2: Register of interests – Template

## Related MACS policies and documents

Conflict of Interest Policy

Conflict of Interest Procedure – Board, Board Committees, MACS Executives and school-based Responsible Persons

Engaging Workers through Labour-Hire Providers Policy

Fraud Prevention Policy

Gifts and Entertainment Receipts and Expenses Policy

Information and Record Management Policy – MACS office

Procurement and Contract Management Policy

Related Parties Policy

Responsible Persons Policy

Whistleblower Policy

## Procedure information table

<b>Procedure owner</b>	General Manager, MACS Legal – Corporate
<b>Approving authority</b>	Director, Governance and Legal
<b>Assigned board committee</b>	Child Safety and Risk Management
<b>Approval date</b>	21 November 2024
<b>Risk rating</b>	Extreme
<b>Date of next review</b>	November 2027
<b>Publication details</b>	Gabriel, CEVN

<b>POLICY DATABASE INFORMATION</b>	
<b>Assigned framework</b>	Governance
<b>Related documents</b>	Conflict of Interest Policy
<b>Superseded documents</b>	Conflict of Interest Policy – Employees and Contractors – v1.0 – 2021
<b>New procedure</b>	New



# Appendix 1: Disclosure Statement and Management and Review Template

This form is to be used by all MACS Staff when disclosing and managing conflicts of interest.

## Declaration

To be completed by staff member

Staff details	
Date	
First name	
Family name	
Address	
Email	
Position at MACS	
Location (office location or school name and E number)	

I declare the following:

- actual conflict of interest
- perceived conflict of interest
- potential conflict of interest
- No conflict of interest

If applicable, please provide a brief outline of the nature of the conflict of interest and how this raises a conflict of interest with your duties or role within MACS. Details may be provided separately in an envelope, marked confidential, if appropriate.

Please detail the proposed arrangements to resolve/manage the conflict of interest identified above. Details may be attached separately, if appropriate.

## Conflict of Interest Management Plan

To be completed by the Manager/Principal

Conflict of interest risk identified

Agreed strategies and actions to manage the conflict of interest.

The Manager/Principal will ensure this management plan is reviewed:

- within one month
- within three months
- within six months
- within one year
- Not applicable – conflict is a one-off or short duration
- other (specify)

**Staff member's declaration**

I agree to:

- update this disclosure and make further disclosures throughout the period of my tenure of employment or engagement as required by the Conflict of Interest Policy
- comply with any conditions or restrictions imposed by MACS to manage, mitigate, or eliminate any actual, perceived, or potential conflict of interest and / or commitment.

Signature	
Date	

## Manager declaration

I undertake to adhere to the conflict of interest management plan and to monitor the individual's adherence to that plan to ensure the conflict of interest is managed effectively.

I undertake to review the management plan in line with the review timeline to monitor the ongoing effectiveness and requirement for the management plan.

Name	
Position	
Signature	
Date	

# Review of conflict of interest management

## Declaration by Manager/Principal

Manager/Principal details	
Name	
Position	
Date	
Staff member details	
Name	
Position	

The following actions have occurred in relation to the disclosed conflict of interest and management plan

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Date	
Manager/Principal signature	

The following actions have occurred in relation to the disclosed conflict of interest and management plan

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Date	
Manager/Principal signature	

The following actions have occurred in relation to the disclosed conflict of interest and management plan

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Date	
Manager/Principal signature	

The following actions have occurred in relation to the disclosed conflict of interest and management plan

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Date	
Manager / Principal signature	

## Appendix 2: Register of Interests – Template

Name of person	Position at MACS	Date of disclosure	Nature of Interest	Type of interest Actual (A) Perceived (PER) Potential (POT)	Management actions	Date for review	Outcome of review