



CONFLICT OF INTEREST POLICY

1.0 PURPOSE

The purpose of this policy is to ensure that all employees of Diocese of Sale Catholic Education Limited (DOSCEL) (**Employer**) and all the primary and secondary Catholic Schools it owns and operates in the Diocese of Sale in the State of Victoria (**Schools**) effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to manage risk and protect the reputation and integrity of both employees and the employer.

2.0 OBJECTIVE

Together, DOSCEL and the Schools 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 DOSCEL.

3.0 POLICY STATEMENT

DOSCEL and the Schools recognise the importance of providing a framework in which conflicts of interest are identified, disclosed and managed appropriately.

DOSCEL and the Schools are 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, DOSCEL or the Schools 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.

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. This policy applies to all employees, including employees in leadership roles such as principals and DOSCEL management.

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 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.

4.0 DEFINITIONS

Conflict of interest arises where an employee's duty 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 work duties.

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

- family members
- close friends
- associates.

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 cannot only be 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 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).

5.0 TYPICAL CONFLICT OF INTEREST SITUATIONS

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

5.1 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 their principal or DOSCEL manager, in writing, of other employment/activities. The principal or DOSCEL manager will then determine whether a potential/actual conflict of interest exists. All conflicts of interests are to be managed in the interests of DOSCEL.

5.2 Disposal of School assets

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

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

5.3 Accepting gifts and benefits

It is a policy that employees may accept 'token gifts' from external parties for work they have done, where the total value of the gift is under \$75. For example, a 'token gift' may be a box of chocolates or a bottle of wine.

Accepting gifts other than a 'token gift' or accepting gifts/benefits over the value of \$75 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, DOSCEL 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 their principal or DOSCEL manager.

The *Gift Notification Form* must be completed in **all** circumstances, even if the value of the gift/benefit is under \$75. 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 \$75—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, DOSCEL 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 their principal or DOSCEL manager
- seek advice from their principal or DOSCEL manager if unsure how to respond to an offer of a gift or benefit of more than a nominal value.

5.4 Procuring goods and services

A potential or perceived conflict of interest may exist when a contractor used 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.

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.

To avoid 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.

5.5 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.

The principal or DOSCEL manager will then determine the conflict of interest management strategy (see section 7.0 *Managing a Conflict of Interest*) in consultation with the employee, for example the employee may remove himself/herself from the recruitment panel.

6.0 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 the matter with their principal or DOSCEL manager and in all instances complete the *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 or DOSCEL manager 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 must discuss the matter directly the Executive Manager: Industrial Relations / Human Resources, DOSCEL.

7.0 MANAGING CONFLICT OF INTEREST

If it is determined that there is a potential/perceived/actual conflict of interest, the principal or DOSCEL manager will prepare and propose a conflict of interest management strategy. The employee has a responsibility to discuss any proposed conflict of interest management strategies with their principal or DOSCEL manager.

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

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 Executive Manager: Industrial Relations / Human Resources, DOSCEL to determine the conflict of interest management strategy.

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

Record and disclose	Ensure all information surrounding the conflict of interest has been disclosed and documented on the <i>Conflict of Interest Declaration Form</i>
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, a conflict of interest management strategy might be for that panel member to step down 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 participating in the process.

Conflict of interest management strategies detailed in the *Conflict of Interest Declaration Form* should be reviewed regularly to ensure they remain effective.

8.0 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 DOSCEL policies, guidelines and codes of conduct referred to in this policy which are relevant to conflicts of interest.

9.0 CONFLICT OF INTEREST CHECKLIST FOR EMPLOYEES

1. Complete the *Conflict of Interest Declaration Form* or the *Gift Notification Form*.
2. Discuss circumstances of the conflict of interest situation with their principal or DOSCEL manager.
3. Follow the conflict of interest management strategy decided upon by their principal or DOSCEL manager.
4. Monitor the conflict of interest situation on an ongoing basis, informing their principal or DOSCEL manager of any change to circumstances of the conflict of interest situation.

10.0 REFERENCES

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

- *Code of Conduct/Behaviour Policy*
- *Victorian Teaching Profession Code of Conduct* issued by the Victorian Institute of Teaching

11.0 REVIEW

This policy will be reviewed every two years to take account of any changed technology, legislation, expectations or practices.

Implementation Date: May 2018
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