



# Stella Maris

## Catholic Primary School

113 OAK STREET, BEAUMARIS 3193 TELEPHONE 9589 2641 WWW.SMBEAUMARIS.CATHOLIC.EDU.AU

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## Conflict of Interest Policy

### Purpose

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The purpose of this policy is to ensure that all Staff Members at Stella Maris Primary School and the broader school community are aware of how to identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of the School and manage risk.

### Objective

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Stella Maris Primary School aims to ensure that all Staff Members and, where applicable, members of School Advisory Boards are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure the effective management of any actual, potential or perceived conflicts of interest.

### Scope

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This policy and associated requirements apply to all Stella Maris Primary School Staff Members including:

- » The School Principal;
- » Deputy Principal and Members of the Leadership Team;
- » The School Business Manager, Bursar and staff with financial responsibilities;
- » All Teaching Staff;
- » All other Non-Teaching Staff;
- » School Advisory Board Members.

This policy supports existing conflict of interest obligations outlined in Stella Maris Primary School employment contracts. It is expected that all Staff Members and School Advisory Board Members participate fully in conflict of interest disclosure and management.

### Policy Statement

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Stella Maris Primary School recognises the importance of providing a framework in which conflicts of interest are identified, disclosed and managed appropriately.

The School is committed to maintaining an environment that is free of fraud or corruption or the perception of fraud or corruption. From time to time Staff Members may be presented with situations that have the potential to compromise their professionalism and impartiality. As such, it is expected that all members of the school community maintain the highest level of integrity and act in the best interested of the School. This policy is designed to establish clear expectations and management responsibilities where actual, potential or perceived conflicts of interest occur.

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.



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Apart from the obligations under this policy, Staff Members may also have obligations arising from their contract of employment or under other school policy in relation to disclosing:

- » Other employment or paid activities;
- » Personal or social relationships with students and their families that extend beyond the context of normal Staff Members / Student relationship;
- » Child safety disclosures.

### Definitions

#### Conflict of Interest:

*Actual Conflict of Interest:* - Where there is a real conflict between a Staff Member's professional duties and private interests. (ie... A Staff Member accepts regular hospitality from parents of a student they teach).

*Potential Conflict of Interest:* - A Staff Member has private interests that could conflict with their professional duties. This also refers to circumstances where it is foreseeable that a conflict may arise in future. (ie... The School Principal's son or daughter applies for a position at the school).

*Perceived Conflict of Interest:* - Where a member of the School Community, the public or a third party could form the view that a Staff Member's private interests could improperly influence their decisions or actions, now or in the future. (ie... a Staff Member's child is elected as school captain, despite the Staff Member having no direct influence over the decision-making process).

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).

Benefits: Items that include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs.

Gifts: Free or discounted items or any other item that would generally be considered as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers) and consumables (e.g. chocolates).

Gifts or Appreciation: an offer from or on behalf of a parent, carer or student(s) made to a Staff Member intended to express appreciation of their contribution to the education or support of a student/s or the broader school community.

Hospitality: The friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.

Recipient: The person to whom offers of gifts, benefits or hospitality are made.

Non-Token Offer: an offer of a gift, benefit or hospitality from an external body or service provider with an estimated or actual value that is greater than \$50.

Token Offer: An offer of a gift, benefit or hospitality from an external body or service provider with an estimated or actual value that is less than \$50.



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### Typical conflict of interest situations

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

#### Additional Employment or Paid Activities

An Staff Member undertaking other employment or paid activities may give rise to an actual, potential or perceived conflict of interest, particularly when the other work is related to or arises from their role at the school. Depending on the circumstances, a Staff Members ability to perform their required duties may be adversely affected by the other employment/activities.

Apart from ongoing obligations under this policy, all Staff Members must meet certain conflict of interest obligations under their contract of employment. Namely, the Staff Member must notify the Principal in writing of all other employment/activities (ie.... Tutoring a student privately from the same school). The Principal will then determine at their discretion if an actual, potential or perceived conflict of interest exists. All conflicts of interest are to be managed in the best interests of the School.

#### Disposal of School Assets

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

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

#### Accepting Gifts, Benefits or Hospitality

A **Gift of Appreciation** is an offer from or on behalf of a parent, carer or student(s) made to a Staff Member intended to express appreciation of their contribution to the support of student/s or the broader school community. Where the estimated value of the gift is \$100 or less, it is considered a 'Token Offer' and does not require declaration. A gift with an estimated or actual value above \$100 is considered 'Non-Token Offer' and requires declaration via the school's *Gift-Declaration-Form – 2018*.

A **Token Offer** is an offer of a gift, benefit or hospitality from an external body or service provider with an estimated or actual value that is less than \$50. If acceptance of the gift could be perceived as a conflict of interested, then the offer should be refused and declaration made to the Principal. Where the gift, benefit or hospitality is perceived as a Gift of Appreciation, it may be accepted; however, the recipient should inform the Principal of this acceptance.

A **Non-Token Offer** is an offer of a gift, benefit or hospitality from an external body or service provider with an estimated or actual value that is greater than \$50. This gift, benefit or hospitality should be refused with the notice of the offer made to the Principal.

A **Ceremonial Gift** is an official gift from one organisation to another organisation. Ceremonial gifts are provided as part of the culture and practices of communities or organisations. Ceremonial gifts remain the property of the school, irrespective of value, and are to be accepted by Staff Members on its behalf. The receipt of Ceremonial Gifts must be declared using the *Gift-Declaration-Form – 2018*.

Note that this policy covers gifts, benefits or hospitality offered by parent's, carers, students, external service



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providers and other 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.

### **Conflict of Interest:**

Where the acceptance of a gift, benefit or hospitality could be perceived as a potential conflict of interest, the Staff Member should refuse the offer and declare it to the principal. Even where the value of the gift, benefit or hospitality is under the nominated amount listed above, the *Gift-Declaration-Form – 2018* should be completed. The reason for this is to ensure that gifts, benefits or hospitality are appropriately disclosed and any perceived or real conflict of interest is managed appropriately.

### **Staff Members must ensure that at all times that they:**

- Do not to solicit gifts, benefits or hospitality;
- Refuse all offers of gifts, benefits or hospitality that:
  - Could reasonably be perceived as undermining the integrity of the School or themselves;
  - Give rise to an actual, potential or perceived conflict of interest;
  - That extend to their families or friends;
  - Are from an individual or organisation where it is likely to affect the procurement of services or business decisions;
- 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 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 they are 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 the Principal or a Staff Member 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 a Staff Member 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 work performed for a Staff Member in their private capacity is a conflict of interest then the Staff Member should ensure that the private work is charged at standard and published rates. Furthermore, the Staff Member 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 and that a minimum of three quotes for services are obtained.

### **Staff Recruitment**

A conflict of interest exists in the recruitment of an individual with whom the Principal or Staff Member have a current or past professional/personal relationship or in whose recruitment they have a vested interest.



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Where a Staff Member/s is part of a recruitment panel and becomes aware that they have a current or past professional/personal relationship with a prospective job applicant, they should declare the conflict of interest immediately. The Principal will then determine a conflict of interest management plan (see below 'Managing a conflict of interest') in consultation with the Staff Member, for example the Staff Member may remove himself/herself from the recruitment panel.

### Identification and Disclosure of Conflict of Interest

All Staff Members have a continuing responsibility for identifying, declaring and managing any potential or perceived conflict of interest that applies to them.

Where a Staff Member suspects that they may have an actual, potential or perceived conflict of interest, they need to discuss this with the Principal and provide the Principal with a completed Conflict of Interest Declaration Form. The Staff Member 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 an actual, potential or perceived conflict of interest involves the Principal. In such a situation, the Principal should discuss the matter directly with the Parish Priest.

### Managing Conflict of Interest

Where the Principal determines there is an actual, potential or perceived conflict of interest, the Principal will prepare and propose a Conflict of Interest Management Plan. The will be discussed with the relevant Staff Member/s.

When preparing the Conflict of Interest Management Plan, the Principal will consider the Staff Member's position on the matter; however, the Staff Member will be obliged to follow all directions outlined in the Conflict of Interest Management Plan.

There may be circumstances in which an actual, potential or perceived conflict of interest involves the Principal. In such a situation, the Principal will work with the Parish Priest to develop a Conflict of Interest Management Plan.

Conflict of Interest Management Plans are designed to ensure that all 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 Staff Members 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.



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<b>Remove</b>	Staff Members remove themselves, or are 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>	Staff Members 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.

Conflict of Interest Management Plans included in the Conflict of Interest Declaration Form should be reviewed regularly to ensure they remain effective.

### Consequences of breaching this policy

Conflicts of interest are not in themselves unethical or contrary to this policy. However, if a Staff Member fails to identify (or, where required, manage/monitor) any actual, perceived or potential conflict of interest, this may result in disciplinary action or, depending on the seriousness of the circumstances, termination of employment.

Staff Members need to also be aware of the various school policies, guidelines and codes of conduct referred to in this policy which are relevant to conflicts of interest.

### 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.

### Related policies

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

- School 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
- Victorian Department of Education & Training, Gifts, Benefits and Hospitality Policy 2018.

Stella Maris Primary School	System Update: 01. 11. 2018
Version 0.2	Date of Next Review: 01. 11. 2021