



Conflict of Interest policy

Intent

Conflicts of Interest occur where staff with a particular interest could be influenced, or might appear to be influenced, in the performance of their duties. Staff are required to disclose and obtain evaluation of any conflict of interest. This procedure outlines the process for the identification and management of actual, potential or perceived conflicts of interest, and the monitoring requirements once declared.

This Procedure gives effect to the principles in the School's Staff Code of Conduct such as integrity, impartiality, accountability and transparency.

Scope

The procedure applies to all members of staff and affiliates of the school at all times while engaged in School business or otherwise representing the school.

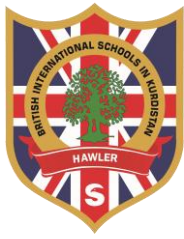
Definitions

Except as otherwise specified in this Procedure, the Conflict-of-Interest Policy or the Staff Code of Conduct, the meaning of terms used are as per the policy.

Procedure

1. Identifying Conflicts of Interest

1.1 Staff must ensure that any conflicts between their personal or private interests and their school duties are promptly identified and managed. A conflict may arise if an individual could be influenced, or appear to be influenced, by a private interest or conflict of commitment when carrying out their duties and responsibilities as a staff member of the school.



1.2 Staff should consider whether a reasonable, disinterested person would think private relationships or interests could conceivably conflict or appear to conflict with the staff member's School role.

1.3 In the event that there is uncertainty about whether a conflict of interest exists, in accordance with the policy definitions, advice must be sought from the staff member's Manager or a Responsible Officer.

1.4 Examples where Conflict of Interest situations may arise are detailed at [Appendix 1](#), and particular areas of risk are identified in the Policy - Areas of High Risk.

2. Declaring Conflicts of Interest

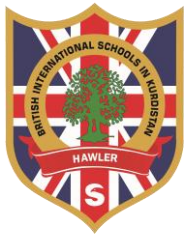
2.1 Disclosures about actual, perceived or potential conflicts of interest must be made as soon as reasonably practicable. The primary obligation of the staff member being to disclose in advance, to the staff member's Manager/Supervisor using the Conflict of Interest Declaration Form at [Appendix 2](#).

2.2 Any sexual encounter or romantic relationship that creates a conflict of interest must be immediately declared, and alternative supervisory or study arrangements will be established.

2.3 If a management action beyond registering the disclosure is deemed to be required (see section 4), this will be advised to the staff member, and an appropriate management option to resolve the conflict of interest will be agreed. Responsible Officers may provide advice on the actions most appropriate.

2.4 Completed Conflict of Interest Declaration Forms will be forwarded to the Director and HR Manager. The Director and HR Manager will determine whether the procedure to manage the conflict of interest is adequate and will, if necessary, impose additional measures. In any conflict of interest between the staff/teachers and their student, the Director will need to be notified.

2.5 A conflict of interest affecting the school Director must be declared to the CEO. Conflicts of interest affecting staff member or teachers must be declared to the school Director.



2.6 A declaration only occurs when submitted on the Declaration Form. The fact that a matter may be known by others, or is considered public knowledge, is no substitute for formal declaration to the school. Where a Manager/Supervisor becomes aware of a conflict of interest they are to remind staff of their obligation to submit a Declaration Form.

2.7 Once management action has been finalised, the completed Declaration Form is to be provided to the relevant Responsible Officer for recording in the appropriate Conflict of Interest Register.

3. Managing Conflicts of Interest

3.1 The management of conflicts of interest will be determined by the relevant senior officer for the area in which the staff member works. The options to manage conflicts include:

3.1.1 Register.

A common mechanism for managing potential conflicts of interest is to require certain employees to register their pecuniary and non-pecuniary interests that may in the future conflict with some aspect of their work. This requirement is usually confined to people in senior positions, in roles at higher risk of encountering conflicts (including procurement or Human Resources). At BISK, the Senior Management Group are required to update annually their Declaration of Interests Form. The registration or declaration of conflicts of interest does not in itself necessarily resolve the conflict. Additional measures to positively resolve or manage conflicts of interest should also be considered.

3.1.2 Restrict.

Where restrictions are placed on the staff member's involvement in the matter. Restriction is often the most appropriate management strategy when the staff member can be effectively separated from parts of the activity or process and the conflict of interest is not likely to arise frequently. This means: non-involvement in any critical criteria



setting or decision-making role in the process concerned; refraining from taking part in any debate about the issue abstaining from voting on decision proposals; withdrawing from discussion of affected proposals and plans; having restricted access to information relating to the conflict of interest; being denied access to sensitive documents or confidential information relating to the conflict of interest.

3.1.3 Recruit.

Where a person without Interest (a third party or probity adviser) is used to oversee part or all of the process that deals with the matter. Recruiting strategies are most useful where it is not appropriate or desirable for the staff member, as the individual with the conflict of interest, to remove themselves from the decision-making process. This is particularly relevant if the staff member's particular expertise is necessary and genuinely not easily replaced. Increasing the number of people sitting on decision-making committees to balance the influence of a single member who may have a conflict of interest but who has some special reason to remain on the committee may also be a strategy.

3.1.4 Remove.

Removal strategies will be most appropriate for ongoing serious conflicts of interest where ad hoc restriction or recruitment of others is not feasible or appropriate, for example, where an advisor is no longer able to advise a student, because a relationship has been started. Such strategies aim to remove the staff member, as the individual with the conflict of interest, from all duties related to the conflict of interest for as long as the conflict of interest exists. Removal includes abstaining from any formal or informal discussion about the matter and being removed from the situation where the employee may still exert, or be perceived to exert, a covert influence on decisions or actions taken in the matter.



3.1.5 Relinquish.

Where the staff member relinquishes the private interest that is creating the conflict. There may be occasions when the staff member's commitment to their BISK role outweighs their attachment to their private interest (such as a partnership in a business which seeks a BISK supplier contract). They may therefore prefer to relinquish the relevant private interest rather than radically change their work responsibilities or environment.

3.1.6 Resign.

Where the staff member resigns from their position with the School; this is the most extreme solution to a serious conflict of interest. This would only be relevant where the staff member cannot or will not relinquish their conflicting private interest when changes to their work responsibilities or environment are not feasible and the conflict of interest and its potential or perceived effects are of high risk or high significance.

4. Monitoring Conflicts of Interest

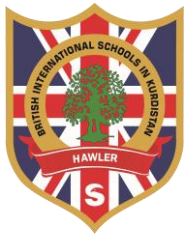
4.1 All declared conflicts of interest must be reviewed by the staff member and their Manager/Supervisor on at least an annual basis to ensure that the information remains correct, and that the management responses continue to be appropriate and effective.

4.2 Any change in the arrangements (including when the conflict is no longer in place), must be notified immediately to the school Director and HR .

4.3 A template for the registers is at [Appendix 3](#).

5. Failure to Declare a Conflict of Interest

5.1 Failing to comply with the provision of this Procedure, including refusal to take any reasonable action as directed, to resolve a conflict of interest may constitute misconduct or serious misconduct, which may result in disciplinary action or termination of employment.



5.2 Breaches of this Procedure may also result in referral to, and action being taken by, an external statutory authority and/or agency including the Crime and Corruption Commission.

6. Privacy and Confidentiality

6.1 Information arising from conflict-of-interest declarations will be managed in accordance with the Information Privacy Policy.

6.2 Information held may be used for the school purposes including audit, reporting, compliance monitoring and other purposes required by government or legislation.

7. Public Interest Disclosures

7.1 If a member of staff has knowledge that a conflict of interest may exist that may not have been declared, they should discuss the situation with a relevant supervisor, or consider taking action under the Public Interest Disclosure Procedure.

Appendices

Appendix 1 – Examples of Conflict of Interest situations

Appendix 2 – Conflict of Interest Declaration Form

Appendix 3 – Conflict of Interest register