



Catholic College Sale

CONFLICT OF INTEREST POLICY

1.0 POLICY AUTHORITY

The Board of Catholic College Sale Limited ('the Board') governs the College. Based on the principle of subsidiarity and in keeping with the Board's Delegations Schedule, the Board delegates a broad range of duties, functions, powers and authority to the Principal of Catholic College Sale (CC Sale). This includes the effective implementation of this *Conflict of Interest Policy* and the compliance obligations outlined herein.

2.0 INTRODUCTION

Conflicts of interest for staff that may arise under their letters/contracts of employment or under College policies do not need to present a problem to staff if the conflicts are openly and effectively managed. For these reasons, CC Sale recognises the importance of providing a framework in which conflicts of interest are identified, disclosed and managed appropriately.

3.0 PURPOSE

This policy seeks to ensure that CC Sale staff understand their obligations regarding any actual, potential or perceived conflicts of interest that apply to them. Compliance with this policy protects the reputation of staff, the College and the College governors (the Board).

4.0 PRINCIPLES

- 4.1 The College requires staff to be aware of their obligations to disclose any conflict of interest that may arise in situations that include:
 - Other employment/paid activities
 - Social/family/employee relationships with students
 - Management of school finances
 - Disposal of school assets
 - Accepting gifts and benefits
 - Procuring goods and services
 - Staff recruitment
 - Child safety disclosures.
- 4.2 All staff have a continuing responsibility for identifying, declaring and managing any actual, potential or perceived conflict of interest that applies to them.
- 4.3 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.

5.0 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.

A 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**.

Potential conflict of interest – 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).

Perceived conflict of interest – 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).

6.0 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.

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.

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

Accepting gifts and benefits. The College policy is 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. This cost threshold does not preclude collective staff providing a gift to a departing member of staff or the departing staff member accepting such a gift.

Procuring goods and services. A potential or perceived conflict of interest may exist when a contractor used by the College 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.

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.

Child safety disclosures. A conflict of interest may arise where, for example, the person against whom an allegation of inappropriate behaviour is made is a close personal friend, colleague or relative of the employee receiving the disclosure.

7.0 PROCEDURES

7.1 Identifying and Disclosing Conflict of Interest

Where a staff member suspects that they may have a potential/perceived/actual conflict of interest, she/he needs to discuss the matter with the Principal and in all instances complete the Conflict of Interest Declaration Form. The staff should provide all information on the reporting form in order to allow the Principal to fully assess whether a conflict of interest in fact exists. The form is accessible from SIMON under School Links.

There may be circumstances in which a potential/actual/perceived conflict of interest involves the Principal. In such a situation, the Principal will discuss the matter directly with the Chair of the Board and the Board's Conflict of Interest Policy will apply.

7.2 Managing Conflict of Interest

If it is determined that there is a potential/perceived/actual conflict of interest, the Principal will prepare and propose a conflict of interest management strategy. The staff member is obliged to follow the management strategy decided upon by the Principal.

In circumstances where a potential/actual/perceived conflict of interest involves the Principal, a management strategy will be developed in accordance with the Board's Conflict of Interest Policy.

Conflict of interest management strategies will in most instances be managed and resolved based on the following approaches:

Restrict	Restrictions are placed on the staff member'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 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, 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 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 participating in the process.

The management strategies decided upon will be detailed in the Conflict of Interest Declaration Form and will be reviewed regularly to ensure they remain effective.

7.3 Conflict of Interest Checklist for Staff

- Complete the Conflict of Interest Declaration Form.
- Discuss circumstances of the conflict of interest situation with the Principal.
- Follow the conflict of interest management strategy decided upon by the Principal.
- Monitor the conflict of interest situation on an ongoing basis, informing their Principal of any change to circumstances of the conflict of interest situation.

8.0 POLICY BREACHES

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/potential conflict of interest, this may result in disciplinary action or, depending on the seriousness of the circumstances, termination of employment.

9.0 RELATED COLLEGE POLICIES

- Child Safety Code of Conduct
- Child Safety and Wellbeing Policy
- Responding to and Reporting Child Safety Incidents or Concerns Policy
- Staff Recruitment and Engagement Policy
- Workplace Equal Opportunity Policy

10.0 MONITORING AND REPORTING

The Board is responsible for monitoring the implementation of this policy and for providing reports as required to the members of the company, i.e., the Bishop of Sale and the Provincial of the Marist Brothers Australia Limited (MSA Ltd).

The Principal is responsible for:

- Ensuring compliance with the obligations outlined in this policy;
- Assigning authority, responsibility and accountability at appropriate levels within the College for policy implementation and compliance;
- Providing delegated staff with the direction, support and resources necessary to fulfil policy requirements;
- Ensuring cyclic reviews of the policy and recommending to the Board any revisions that may be required to accommodate changes in legislation and diocesan directives;
- Reporting and escalating concerns, issues and policy breaches to the Board and working collaboratively with the Board to resolve them.

11.0 APPROVAL

Approved by	CC Sale Ltd Board
Person(s) Responsible	Principal
Date(s) Reviewed or Updated	June 2022
Next Review Date	June 2024

