

# CONFLICT OF INTEREST POLICY

## **Rationale:**

Employees of the Victorian Public Sector are required by the *Public Administration Act 2004* and the Code of Conduct for Victorian Public Sector Employees to declare and avoid any real or perceived conflicts of interest to help maintain community trust and confidence in the Public Sector. Employees of the Teaching service, employed under the *Education and Training Reform Act 2006* are also employees of the Victorian Public Sector.

This policy applies to all staff employed by Templeton Primary School, including ongoing, fixed term, part time and casual staff. This policy also applies to all members of the School Council and the Finance sub committee of Council.

This policy outlines the principles applying to the declaration and management of actual, potential or perceived conflicts of interest.

## **Aims**

- to protect the interests of Templeton Primary School in impartial and objective decision making
- to protect the reputation of Templeton Primary School by maintaining ethical standards of good judgment, fairness and integrity in all dealings
- to ensure that employees always observe the highest standard of business ethics
- to avoid any activity or interest that might reflect unfavorably upon a staff member's own integrity and good name, or upon the integrity and good name of Templeton Primary School
- an Employee or Council Member must avoid any conflict of interest, financial or otherwise, that might affect or may be seen to affect, the performance of official duties of employees.

## **Implementation**

All staff members performing school duties are required to act in good faith towards the school and DET.

Staff members must ensure there is no conflict of interest between their personal interests and their duties, obligations and responsibilities to the school. Where such a conflict occurs, the interests of the school will be balanced against the interests of the staff member. Unless exceptional circumstances exist the balance of interests will be resolved in favor of the school and within DET guidelines.

A conflict of interest can be financial or personal and involves the interests of a staff or School Council member, or members of their families or friends. A conflict may arise where an employee or councilor could reasonably be perceived to be influenced by the private interest of facilitating employment for family members.

A perceived conflict of interest exists where a reasonable person with knowledge of the relevant facts could form the view that an employee's private interest could improperly influence the performance of their duties, now or in the future.

Of their own volition, staff and Council Members must disclose actual or potential conflicts of interest to the Principal and stand down in any decision making process where they may be compromised. If the Principal discloses actual or potential conflict of interest he/she must advise school council and stand down in any decision making process where they may be compromised.

If a council member or sub committee council member discloses actual or potential conflict of interest he/she must advise school council and the Principal and must not be present during the discussion unless

invited to do so by the person presiding at the meeting, the member must not be present when a vote is taken on the matter though may be included in the quorum for that meeting.

Failure of a staff member, Principal, Council member or Sub-committee Council member to disclose a potential or actual conflict of interest constitutes a breach of Templeton Primary School's policy and DET guidelines in relation to conflict of interest and may result in disciplinary actions. Depending on the nature and impact of the conflict of interest situation, other action may be instigated, including legal action.

Where any actual, potential or perceived conflict of interest is identified and cannot be avoided, reasonable steps should be taken to manage it. If an employee is unsure about a possible conflict of interest or how to handle a possible conflict of interest they should seek advice from their Principal/Manager.

It is not appropriate for peers or subordinates of an employee who is compromised to be involved in the management of the conflict of interest. Such staff are not considered to be outside the sphere of influence of the staff member concerned.

Confidentiality is to be maintained at all times by all persons involved and the school will seek to ensure that confidential disclosures are protected from misuse. Nothing precludes either the staff member who has disclosed the conflict of interest or the Principal/Manager to whom the disclosure was made from seeking advice from the DET legal liability branch, on any matters relating to this policy

**Evaluation:**

This policy will be reviewed as part of the school's three-year review cycle.

**This policy was last ratified by School Council**

**February 2019**