



Conflict of Interest Policy -PP003

Introduction

Plenty River College (the College) is an independent, specialist senior secondary school, delivering the Victorian Pathways Certificate (VPC) and VCE Vocational Major (VM). It provides a safe and inclusive learning environment for young people aged 15-20 years who may have been disengaged or are at risk of disengaging from education.

Plenty River College is a school of opportunities in which all students are empowered to achieve their personal best. Our mission is to assist students to develop life and work skills and achieve in their learning by:

- re-engaging them in education;
- fostering their social and emotional development; and
- providing a supportive and safe environment for them.

Rationale

The College values openness and integrity, and is committed to transparency, impartiality and accountability in its processes, procedures and decision-making. Conflicts of interest are not uncommon, and actual, perceived or potential conflicts of interest may arise between the personal interests of College Board members or responsible persons, and their obligations to the College.

Where conflicts of interest occur, it is important that Board members and responsible persons within the College act with integrity, and are not seen to be inappropriately benefitting from improper use of their position or personal interests. These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the College.

Purpose

The purpose of this policy is to help Board members and other responsible persons at Plenty River College to effectively anticipate, identify, disclose and manage any actual, potential or perceived conflicts of interest or duty in order to protect College integrity and manage risk.

Scope

This policy applies to the Plenty River College Board and to College staff members who are considered responsible persons, such as the Executive Principal, Deputy Principal/Curriculum Leader and Business Manager.



Conflict of Interest Policy -PP003

Definitions

Actual conflict of interest	A situation where a responsible person is likely to gain a personal advantage, whether financial or non-financial, for themselves or for a relative or friend because of their position as a Board member or manager.
Board	This means the Plenty River College Board, which is responsible for the management of the business of the College. All references to the Board include Board sub-committees.
College managers	College staff members who are responsible persons. This includes the Executive Principal, the Business Manager, and the Deputy Principal/Curriculum Leader.
Conflict of duty	A conflict of duty occurs when a responsible person has two public duties (perceived, potential or actual) which impact on each other in a way that could be contradictory.
Conflict of interest	A conflict of interest occurs when a responsible person has a private interest which could influence his or her public duty. This influence could be perceived, potential or actual. A conflict of interest may be financial or non-financial.
Disclosure of Conflict-of-Interest form	A form used by College responsible persons to declare any matter that may cause a conflict of duty or conflict of interest.
Perceived conflict of interest	A situation where other people may reasonably <u>perceive</u> a conflict and which may create a risk for the College's reputation or financial assets.
Potential conflict of interest	A situation where a process has been put in place that may in the future create a conflict of interest.



Conflict of Interest Policy -PP003

Register of Interests	A document listing details of the conflicts of interest disclosed by College responsible persons, and the measures the College Board will take to deal with these disclosures.
Responsible persons	<p>A responsible person is defined in the Education and Training Reform Regulations 2017 as:</p> <ul style="list-style-type: none">• the school proprietor (an individual, entity or anyone connected to the management of the entity); or• each member of the school governing body; or• the principal of the school; or• anyone else who has a position of authority in the governance or management of the school.

Responsibility

1. The College Board is responsible for:
 - establishing a process for managing conflicts of interest at the College;
 - monitoring compliance with this policy; and
 - reviewing this policy on an annual basis to ensure that it is operating effectively.
2. The Board Secretary is responsible for maintaining a College Register of Interests and a Register of Board members, and for reminding the Board of possible conflicts of interest as listed in the register during Board meetings.
3. College Board members and College managers are responsible for:
 - avoiding conflicts of interest where possible;
 - identifying and disclosing any conflicts of interest;
 - carefully managing any conflicts of interest; and



Conflict of Interest Policy -PP003

- following this policy and responding to any breaches.

Implementation

Plenty River College is a not-for-profit school, and all income, assets and property received by the College are used solely for the operation and benefit of the College. Members of the College Board, have a responsibility to:

- ensure that they uphold the not-for-profit status of the College;
- avoid conflicts of interest or duty where possible; and
- disclose any conflicts of interest or as they arise, so that they can be effectively managed.

The College values the experience, expertise and commitment of Board members, and promotes an environment in which Board members:

- actively guard against and eliminate fraud and corruption (or the perception of fraud and corruption);
- openly and confidently disclose conflicts of interest; and
- hold each other to account.

Through good governance the College aims to anticipate, identify and resolve, or even prevent, conflicts of interest, thereby reducing the risk of damage to the College's reputation or breaches of the law.

Examples of conflicts of interest or duties may include (but are not limited to):

- a Board member (or responsible person) who is a parent of a College student (or related to a parent), and who is included in decisions relating to fees or staff disciplinary matters;
- a Board member (or responsible person) who is related to a staff member, or in a close personal relationship with a staff member, and is included in decisions relating to staff appointments, remuneration, or staff disciplinary actions;
- a Board member (or responsible person) who is a College supplier or contractor, related to a College supplier or contractor, or a director or shareholder of a College supplier or contractor, who is included in decisions relating to the provision of goods and services;



Conflict of Interest Policy -PP003

- a Board member (or responsible person) who is employed by or consults for a competing school;
- a Board member (or responsible person) who receives a material gift where there is, or could be, an expectation of preferment of some sort; and
- a Board member (or responsible person) who is involved in decisions that impact on another organisation of which they are a Board member.

Identification and disclosure of conflicts of interest

Conflicts of interest or duties may not become apparent until a particular situation arises in which personal interests come into conflict with College interests. Personal interest may arise due to:

- current and previous paid or volunteer work;
- current and previous trusteeships;
- board membership of another organisation;
- owning a business or a share in a business;
- membership of other organisations; and
- any similar interests of family or friends.

Board members and other responsible persons can identify a conflict of interest by asking themselves the 'impartial observer' question: 'When making any decisions about this, would an independent observer think I was acting in the best interests of the College, or in my own interest?' If there is any doubt, a conflict of interest must be declared.

Once an actual, potential or perceived conflict of interest is identified, it must be disclosed to the Board in person, or by completing a Disclosure of Conflict of Interest Form available on the College website.

Managing conflicts of interest

Plenty River College encourages disclosure of conflicts of interest and promotes open discussion in a supportive and non-judgemental manner by:

- informing newly appointed Board and College managers of the College's Conflict of Interest Policy (this policy);



Conflict of Interest Policy -PP003

- providing Board members and College managers with additional materials and training on conflict of interest where required;
- expecting Board members and College managers to declare all actual, potential or perceived conflicts of interest as soon as possible, and ensure that they are recorded in the College Register of Interests;
- allowing public College access to the Register of Interests so that Board members and responsible persons can record new or additional interests, review interests already listed on the register, and review the interests of others (useful in identifying potential or perceived conflicts which may not be initially apparent to a conflicted Board member or manager);
- reviewing the Register of Interests before each Board meeting; and
- including a conflict of interest agenda item for each Board meeting, for recording conflicts of interest and remedial actions as they arise during the meeting.

Management of a conflict of interest is a shared responsibility between the conflicted Board member and other Board members. All Board members must be notified of a conflict of interest as soon as possible, either prior to or during a Board meeting. The remaining (non-conflicted) Board members must then decide on remedial action to resolve the conflict of interest and inform the conflicted Board member of the actions to be taken. The approval of any action requires the agreement of at least a majority of the Board (excluding any conflicted members) who are present and voting at the meeting.

If the conflict of interest cannot be otherwise avoided or prevented, the Board will direct the conflicted Board member to:

- withdraw while the matter is discussed at the Board meeting, and not vote on the matter at the meeting (unless otherwise agreed by a majority of non-conflicted Board members); and
- not participate in any debate on the matter (or try to influence any decisions).

The Board Chairman may also determine that the conflicted Board member should not receive Board papers or other information relating to the matter giving rise to the conflict of interest. In exceptional circumstances, where a conflict is very significant or likely to prevent a Board member from regularly participating in discussions, the Board may direct the conflicted person to resign from the College Board.

The Board Secretary must record disclosures of conflict in the Register of Interests, including:

- the name of the board member and their date of appointment;



Conflict of Interest Policy -PP003

- a record of interests such as current and previous paid work, current and former trusteeships; current and former directorships; current and former membership of other organisations, relevant interests of family or friends (including financial, non-financial personal interests); relationship of interests (if any) to the College's activities or proposed activities;
- the nature and extent of the conflict of interest or duty;
- the date of disclosure, and
- the steps taken to prevent or manage the conflict.

The Board Secretary must record all conflicts of interest disclosed during Board meetings in the meeting minutes. This must include:

- the name of the conflicted Board member and the nature and extent of the conflict;
- any remedial action decided on by the Board at the meeting; and
- record the time the conflicted staff or Board member left and returned to the meeting.

Conflicts of interest involving College managers must be disclosed to the Board and recorded on the College Register of Interests. The Executive Principal (or Board if the Executive Principal is conflicted) will investigate the significance of the conflict of interest and decide on appropriate remedial action in conjunction with the Board. This may include moving the manager to another role within College, removing certain duties from their role, asking the manager to relinquish their personal interest (if possible), or asking for their resignation.

Failure to disclose a conflict of interest

If anyone suspects that a Board member or manager has failed to disclose a conflict of interest, they must immediately notify the Board Secretary or the Board.

If the Board has reason to believe that anyone subject to this policy has failed to comply with it, the Board will investigate the circumstances and take proportionate action. In significant cases this may include terminating their relationship with the College.

Communication

1. This policy will be communicated to the College community through the College website.
2. College Board members and College managers will be informed of their obligations through:
 - attending the College induction program for new Board members or new staff;
 - receiving a copy of this policy at the first Board meeting or staff meeting at start of the



Conflict of Interest Policy -PP003

College year;

- participating in an annual review of the processes for managing conflicts of interest and duty; and
- attending training programs and professional development activities, or receiving additional materials to read.

Appendices

Appendix 1: Disclosure of Conflict of Interest Form

Appendix 2: College Register of Interests (template)

Relevant Legislation

- Associations Incorporation Reform Act 2012 (Vic)
- Associations Incorporation Reform Regulations 2012 (Vic)
- Education and Training Reform Regulations 2017 (Vic)



Conflict of Interest Policy -PP003

Appendix 1: Disclosure of Conflict-of-Interest Form

Disclosure of Conflict-of-Interest Form



Use this form if you believe that you may be involved in a conflict of interest situation or if you are unsure and want formal clarification. Please refer also to the College Conflict of Interest Policy before completing this form.

SECTION 1: Personal Details			
Name			
Board member	<input type="checkbox"/> Yes <input type="checkbox"/> No	Job title / Area of Responsibility	
Phone		Email	
SECTION 2: Disclosure details			
The actual, potential or perceived conflict of interest relates to (tick more than one if applicable):			
<input type="checkbox"/> Relationship with another Board	<input type="checkbox"/> Outside work activities (paid/unpaid)		
<input type="checkbox"/> Relationship with family or friends	<input type="checkbox"/> Relationship with external parties		
<input type="checkbox"/> Financial interest	<input type="checkbox"/> Disposal of school assets		
<input type="checkbox"/> Gifts / benefits	<input type="checkbox"/> Provision of external consultancy services		
<input type="checkbox"/> Conflict of duty	<input type="checkbox"/> Private tutoring		
<input type="checkbox"/> Procurement of goods and services	<input type="checkbox"/> Other (provide details)		
<input type="checkbox"/> Staff recruitment			
The following actual, potential or perceived conflict of interest has been identified (<i>please insert all relevant details.</i>)			
The (actual, potential or perceived) conflict is expected to last: (tick appropriate box)			
<input type="checkbox"/> 0–12 months	<input type="checkbox"/> 12 months or ongoing		
SECTION 3: Declaration			
To the best of my knowledge and belief, any actual, perceived or potential conflicts between my duties as a member of the College Board / College staff member and my private and/or business interests have been fully disclosed in this form in accordance with the requirements of the College’s Conflict of Interest Policy.			
I acknowledge, and agree to comply with, any approach identified in this form for removing or managing an actual, perceived or potential conflict of interest.			
Signature		Date	



Conflict of Interest Policy -PP003

Appendix 2: College Register of Interests



Register of Interests

Name	Description of interest and impact on duties	How notified	Date disclosed	Remedial actions taken by the Board	Actions taken by the conflicted person



Conflict of Interest Policy -PP003

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