

# Conflict of Interest Policy, Guidelines and Procedures

## 1. Policy Overview

The purpose of this Policy is to ensure that any actual, potential or perceived conflicts of interest are identified, disclosed and managed in an appropriate manner to protect the interests and integrity of the College and to manage risk.

This Policy contains Guidelines and Procedures for addressing conflict of interest situations.

## 2. Scope

This Policy applies to all members of the College community, including workers, members of the Parents and Friends Association, , students, parents/carers, and visitors to the College.

This Policy applies to all College activities and undertakings.

## 3. Definitions

**Worker** – any person performing work for the College, either paid or unpaid/volunteer work. This includes all members of the College Board, Directors, Committee members, employees, volunteers, contractors, consultants.

**Conflict of Interest** - occurs when a person's personal interests conflict with their responsibility to act in the best interests of the College. A conflict of interest may be actual, potential or perceived and may be financial or non-financial. This includes a conflict of duties.

**Private interests** – personal, professional or business interests that a person may be involved with or have an interest in outside of the College (for example, as a shareholder).

**Conflict of Duties** - a conflict between duty to the College and duty to another organisation (for example, to another school).

**Pecuniary interest** – a private interest that involves actual or potential financial loss or gain by a worker or a worker's relative or associate.

**Indirect pecuniary interest** – where a College worker has a close relationship with another person who may have a financial interest

**Non-pecuniary interest** – a private interest without a financial component where there may be a tendency for favouritism or prejudice to arise out of friendship, animosity or other personal involvement with another person or group (eg the recruitment and selection process)

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.

These situations must therefore be managed with appropriate due diligence and transparency.

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## 4. Guidelines

All individuals associated with the College are required to avoid ethical, legal, financial or other conflicts of interest and that any such conflicts (where they do arise) do not conflict with obligations to the College.

The College will manage conflicts of interest by:

- avoiding conflicts of interest where possible.
- identifying and disclosing any conflicts of interest.
- having a Conflicts of Interest Register (for all workers and other individuals).
- Employee files where appropriate.
- carefully managing any conflicts of interest.
- effectively managing any breaches of this policy.
- reporting any identified conflicts to:
  - the College Board for recording in Board minutes (Directors conflicts only).
  - the Committee for recording in the Committee minutes (Committee member conflicts).

## 5. Roles and Responsibilities

### 5.1 College Board of Directors

The Board is responsible for:

- ensuring the establishment of a system for identifying, disclosing and managing conflicts of interest across the College.
- monitoring any conflicts and ensuring their resolution and recording.
- reviewing this policy on a regular basis to ensure that the policy is operating effectively.

Board members must:

- act with reasonable care, diligence, integrity and common sense.
- act honestly and fairly in the best interests of the College.
- not misuse their position or information they gain as a Board member.
- disclose actual or perceived conflicts of interest.
- ensure that the financial affairs of the College are managed responsibly, and
- not allow the College to operate while it is insolvent.

### 5.2 Company Secretary

The Company Secretary role at the College is carried out by the Business Manager. The Company Secretary maintains a central Conflict of Interest Register and reviews and monitors the effectiveness of the Register.

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## 5.3 Principal, College Leadership Team, Managers, Supervisors

- Promote and support a culture of integrity and disclosure at the College and ensure compliance with this policy.
- Participate in conflict of interest resolution with those reporting to them and lodge the resolution on the Conflict of Interest Register.
- Take appropriate actions where this policy is breached.

## 5.4 All Other Workers/Individuals

Other individuals must retain an awareness of this policy and actively avoid circumstances where there may be an actual, potential or perceived conflict of interest. Where a conflict occurs or if the worker/individual is unsure, they must seek advice and guidance from their manager.

## 6. Identifying Conflicts of Interest

Would an impartial observer think that you are likely to, or may be likely to, be improperly affected by your personal interests?

If the answer is YES, then it is likely that you have a conflict of interest.

## 7. Managing Conflicts of Interest

Where an actual, potential or perceived conflict of interest is identified, there are three components to managing a conflict:

### 7.1 Report

Any conflict must be reported immediately to your direct supervisor. Directors or Committee members must report the conflict to the Board or Committee meeting members as soon as the conflict is identified.

Examples of conflicts of interest

- Involvement in the recruitment and selection process where a friend/relative has applied for a role.
- Purchasing goods/services from the family business of a worker.
- Workers voting on a decision which directly affects their personal interests.
- Receiving gifts or benefits.

### 7.2 Resolving Conflicts of Interest

Resolving a conflict of interest may involve the following actions:

**Restricting** the involvement of the person with the conflict in the decision-making process. This may include:

- Withdrawing from discussions.
- Abstaining from voting.
- Limiting access to information about a process.

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**Recruiting** an independent third party to oversee the process. This may occur where an individual is not easily replaced. Examples include:

- Engaging an independent third party to facilitate or make a decision.
- Have another worker obtain three other independent written quotes to compare to quotes provided by family/friends.

**Removal** of the person with the conflict from the process. This would only occur in serious situations where restricting and recruiting may not be suitable. Examples include:

- Removing the individual from the process.
- Abstaining from any discussion about the matter, including informal discussions.
- Removing a Director or Committee member from their position.

**Relinquishing** the private interest, which gives rise to the conflict. Examples may include:

- Liquidating the private interest in an arm's-length transaction.
- Divesting or withdrawing support for the private interest.

**Performance Management Procedures** will be implemented where an employee is alleged to have breached this policy. A proven breach of this policy may result in corrective action up to and including termination from employment.

## 7.3 Register

All conflicts of interest must be registered in the Conflicts of Interest Register. This is maintained by the Company Secretary and shows that the conflict has been declared and resolved.

Where the conflict of interest involves Board or Committee members, the Company Secretary will ensure that conflicts:

- declared by College Directors and Committee members are recorded on the Board/Committee Member's Conflict of Interest Disclosure Form; and
- are recorded in the Conflicts of Interest Register; and
- are recorded in meeting minutes. Conflict of Interest is a standing agenda item at all Board meetings and Committee Meetings. The Register shall be noted, and the content addressed as required at Board meetings and Committee meetings. These forms are maintained and monitored by the Company Secretary.

Remaining Directors or Committee members shall determine if the conflicted member should participate in the discussions and decision and in the event that the member should not so participate, whether the member should be present during discussions and the decision-making process.

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## 8. Privacy

The College collects, uses, discloses and holds information about individuals for the purposes of conducting the College's functions and activities. Conflict of Interest information will be managed in line with the College's Privacy Policy.

## 9. Compliance with this policy

Where there is an allegation that this policy has been breached, an investigation will take place and appropriate actions will be taken. These may include:

- disciplinary action.
- termination of employment.
- termination of position (eg Director).
- cancellation of any commercial agreements.

Where an individual suspects that a Director has failed to disclose a conflict of interest, they must contact the College Principal or the Company Secretary in writing. They must provide information regarding the suspected conflict. The College shall then undertake an investigation and take appropriate action. If the suspected breach of conflict is concerning the Principal or the Company Secretary, the Board Chair must be notified.

## 10. References

- BCI Constitution
- Manual for the Board of Directors
- College Policies, Procedures and directives
- Privacy Policy
- Whistleblowers Policy
- Australian Charities and Not-for-Profits Commission website
- Conflict of Interest Disclosure Form

## 11. Updates and Feedback

This document is an active document and will be updated as required or every three years. Printed copies are uncontrolled.

Please provide feedback regarding this policy to [office@brigidine.qld.edu.au](mailto:office@brigidine.qld.edu.au).

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## Revision History

Document Number	Revision Description	Board Approval
Version 1	Original Version	20 April 2020
Version 2	Review, minor administrative changes 2.0 Added P&F to scope 4.1 Added 'actual or perceived' 7.1 Added 'committee' 7.2 Added 'performance management procedures'	2 September 2023

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