Catholic Schools
Parramatta Diocese

Conflict of Interest Policy

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1. Introduction and Purpose

Catholic Schools Parramatta Diocese **(CSPD)** is a Company Limited by Guarantee **(CLG)** with a Sole Member with a sole member, the Trustees of the Diocese of Parramatta. As a non-profit school authority, CSPD is required to ensure that all governance, financial, and operational decisions uphold the legislative conditions attached to government funding.

Both the Australian Education Act 2013 (AEA) and the Education Act 1990 NSW (the NSW Act) specify that financial assistance, from the Australian or NSW Governments respectively, is not to be provided to schools that operate for profit.

Section 83C of the NSW Act specifies some of the conditions under which a school may be considered to operate for profit.

The purpose of this policy is to provide a framework to effectively identify, disclose and manage actual, potential or perceived conflicts of interest in order to protect the integrity of CSPD, and to promote transparency, confidence in the integrity, legitimacy, impartiality and fairness of decisions made.

All CSPD staff must avoid conflicts of interest and where conflicts do arise, they must declare and manage those conflicts in accordance with this policy.

2. Scope

This policy applies to all CSPD staff. This includes paid staff, religious, volunteers, contractors, sub-contractors, consultants and students on work placements, and for the purpose of this policy, also Board of Directors and Members of Board committees.

Failure to comply with this policy may constitute misconduct and may lead to disciplinary action, including termination of employment. While Board of Directors, Members of Board committees, religious, volunteers, sub-contractors, consultants and students on work placement are not subject to disciplinary action, conduct that is in breach of this

document may result in their engagement being terminated and reporting to external bodies initiated.

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3. Definitions

Actual conflict of interest is an interest that involves a direct conflict between a CSPD staff member's duties and responsibilities to CSPD and a competing interest or obligation, whether personal or involving a third party.

COI Authorised Officer is a member of the Governance team within the Legal, Governance & Risk **(LGR)** Directorate and is contactable via coi@parra.catholic.edu.au.

Conflict of interest involves a conflict between a CSPD staff member's official duties and responsibilities and the staff member's private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage. These situations may involve gaining advantage for one's self, or another person/persons. A conflict may be actual, perceived, or potential and may be pecuniary or non-pecuniary.

CSPD means Catholic Schools Parramatta Diocese and includes CSPD Support Teams (office-based staff) and CSPD schools.

CSPD Support Teams refers to the Directorates and service areas that provide specialist support to Schools. The term applies to office-based staff.

CGL means a Company Limited by Guarantee registered under the Corporations Act 2001 (Corporations Act).

Designated leaders are employees who, given their roles and responsibilities, must follow certain governance practices. These designated leaders are:

- Business Managers;
- CSPD Managers/Senior Managers;
- CSPD Heads.

Head refers to any CSPD staff member classified as Head within a CSPD Directorate.

LGR refers to the Legal, Governance & Risk Directorate within CSPD.

Non-pecuniary interest is an interest that does not involve a financial component but may, for example, arise from personal or family relationship or involvement in sporting, social or cultural activities. It includes any favour or prejudice resulting from friendship, animosity or other personal involvement that could lead to bias in the exercise of judgement or a discretion in the making of a decision.

NESA refers to the NSW Education Standards Authority.

Pecuniary interest is an interest that involves an actual or potential financial gain or loss. It may, for example, result from the staff member owning property, holding shares or a position in a company bidding for CSPD work, accepting gifts or hospitality or receiving an income from a second job.

Perceived conflict of interest exists where it could reasonably be perceived, or appear, that a competing interest could improperly influence the performance of a staff member's duties and responsibilities to CSPD.

Personal interests include direct interests as well as those of family and friends.

Potential conflict of interest arises where a staff member has an interest or obligation, whether personal or involving a third party, that could conflict with the staff member's duties and responsibilities to the CSPD.

Responsible persons as per CSPD's governance structure and the definition of responsible persons under the Education Act 1990 (NSW) refers to:

- Principals;
- Assistant Principals / Head of Schools;
- ELT Members; and
- Board Directors.

Staff include permanent, temporary and casual employees, religious, volunteers, contractors or subcontractors (including their employees), employee/s of a labour hire company who have been assigned to work with CSPD, students on work placements, apprentices and trainees.

4. Declaration of Conflicts of Interest

4.1 NESA requirement

It is a NESA requirement that Responsible Persons complete an annual declaration of any conflicts of interest, even if they have no conflict of interest to declare. In addition to NESA, CSPD has determined that Designated Leaders must also complete an annual declaration of any conflicts of interest, even if they have no conflict of interest to declare. The online *Annual Declaration* form is to be used for this purpose. If a conflict of interest arises after the form has been initially completed, the declaration can be updated at any time.

4.2 All CSPD staff must:

Declare conflicts of interest as they arise:

I. to their supervisor (principal for school based staff or manager/head for CSPD Support Teams and to the COI Authorised Officer via coi@parra.catholic.edu.au; Casual staff are to advise the COI Authorised Officer and the CSPD Casual Coordinator via cspdcasualsenquire@parra.catholic.edu.au

II. verbally where a conflict of interest arises during a meeting (which must be noted in the minutes of the meeting). The Chair of the meeting will assess in discussions with the staff member, if the conflict of interest needs to be formally declared, in which case, it must be notified in writing to the COI Authorised Officer via coi@parra.catholic.edu.au as soon as practicable after the meeting. The COI Authorised Officer will make respective arrangements to ensure the staff member has access to the online declaration form.

4.2.1. **Withdraw** from any deliberation or decision making processes to which the conflict of interest may relate, unless otherwise directed by their supervisor.

4.2.2. **Develop**, if required by the COI Authorised Officer, a conflict of interest management strategy with their supervisor.

4.2.3. **Notify** that someone else has a conflict of interest to their own supervisor, a member of the Executive Team or the COI Authorised Officer, as soon as they are made aware. A proper investigation can be conducted to determine if a conflict exists. Staff are reminded that the *Whistleblower Protection Policy* also provides protection if required.

4.3 Delegated authority

Authority delegated to a staff member cannot be exercised if the person has a conflict of interest. In such circumstances the delegated authority must be exercised by the person's immediate supervisor.

4.4 Seek advice

Where any staff member is unsure about whether they have a conflict of interest or a potential conflict of interest, they must seek advice from their supervisor in the first instance and then the COI Authorised Officer via coi@parra.catholic.edu.au.

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5. Management and Monitoring of disclosed Conflicts of Interest

5.1. Assess

The COI Authorised Officer will assess the situation and circumstances of all disclosed conflicts of interest. In deciding the appropriate approach, consideration will be given as to whether the conflict needs to be avoided or simply documented.

5.2. Managing Conflicts of Interest

Actions to manage conflicts of interest may include, but are not limited to:

5.2.1. Determining that the potential or actual conflict is minimal or can be eliminated by disclosure and/or effective supervision;

5.2.2. The staff member relinquishing the interest;

5.2.3. Reallocation of duties or responsibilities relating to the conflict;

5.2.4. The staff member withdrawing from the relevant activities or duties that create the potential or actual conflict;

5.2.5. Restricting the staff members involvement in certain activities;

5.2.6. Implementing other appropriate processes to ensure the impartiality of the staff member in the performance of their duties.

5.3. Monitoring

Actions to manage conflicts of interest must be accepted by the staff member, supported and monitored by their supervisor.

5.4. Changes in circumstances

A staff member who has been authorised to continue performing their normal duties must immediately report to their supervisor and the COI Authorised Officer (via coi@parra.catholic.edu.au) any change in circumstance that could affect management's decision.

5.5. Record Keeping

Declaration of interest registers are maintained at each formal meeting that takes place for CSPD by the Chair or secretariat of the committee. In addition, a centralised Declaration of Interest for all reported incidents by all Staff is managed by the COI Authorised Officer and updated every year when the annual declaration takes place for the responsible persons and designated leaders and as updated by other staff members.

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6. Related documents

This policy is to be read alongside:

- Code of Conduct
- Gifts & Benefits Policy
- Transactions with Related Parties Policy
- Whistleblower Protection Policy
- Hospitality & Entertainment Policy

- Appendix 1 - Conflicts of Interest Checklist
- Appendix 2 - Political Affiliations and Activities

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7. Further information

Further information on this policy can be obtained via coi@parra.catholic.edu.au.

Appendix 1. Conflicts of Interest Checklist

If you answer "Yes" to any of the questions below, you have an actual, perceived or potential conflict of interest which must be declared. Should you wish to seek advice prior to submitting your declaration, please contact coi@parra.catholic.edu.au.

No.	Question	Yes	No
1	Would I or anyone associated with me (family, friend or relative) benefit from or be detrimentally affected by my proposed decision or action?		
2	Could there be benefits for me or my associates in the future, arising from my decision or action that could cast doubt on my objectivity?		
3	Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?		
4	Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?		
5	Do I or a relative, friend or associate stand to gain or lose financially directly or indirectly from my decision or action?		
6	Am I a joint Director or part owner of a business where other joint Directors or business owners could potentially engage with Catholic Schools Parramatta Diocese?		
7	Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?		
8	Have I made any promises or commitments to someone who stands to gain or lose from my proposed decision or action?		

9	Have I received a benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?		
10	Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?		
11	Could this situation have any influence on any future employment opportunities outside my current official duties?		
12	Does my proposed decision conflict with my responsibility to act in the best interests of, or in accordance with the statutory obligations to, Catholic Schools Parramatta Diocese?		
13	Does the proposed decision provide a benefit to another institution over which I have either control or influence?		
14	Could there be any other benefits or factors that could cast doubts on my objectivity?		
15	Do I still have any doubts about my proposed decision or action?		
16	Do I hold any office-bearing roles in a political party?		
17	Do I actively participate in political campaigns or political advocacy?		
18	Do I act as a political party organiser, spokesperson, candidate or campaign official?		
19	Do I publicly advocate for a political party, candidate or political position where that advocacy is relevant to the organisation's activities or responsibilities?		
20	Am I involved in any other political activity that could reasonably give rise to an actual, potential or perceived conflict of interest?		

Appendix 2. Political Affiliations and Activities

All CSPD staff must declare any office, organising role, campaigning activity or other significant involvement in a political party or political organisation where the affiliation or activity could reasonably be perceived to influence, or conflict with, their duties, responsibilities or decision-making on behalf of CSPD.

This includes, but is not limited to:

- office-bearing roles in a political party;
- active participation in political campaigns or political advocacy;
- acting as a political party organiser, spokesperson, candidate or campaign official;
- publicly advocating for a political party, candidate or political position where that advocacy is relevant to the organisation's activities or responsibilities; and
- any other political activity that could reasonably give rise to an actual, potential or perceived conflict of interest.

Ordinary political participation, including voting or holding personal political views or non-active membership of a party does not of itself constitute a reportable conflict of interest and does not need to be declared.

Should you wish to seek advice prior to submitting your declaration, please contact coi@parra.catholic.edu.au.