



EDUCATING THE FUTURE

PURPOSE

The purpose of this document is to provide instruction in relation to dealing with conflicts of interest.

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1. INTRODUCTION

Conflict of interest is defined as "A situation where a person has a personal interest in a matter the subject of a decision or duty of the person".

A conflict of interest may arise in the discharge of a staff member's or directors official functions or duties, including: decision-making, handling complaints, applying policy, procedures, or codes, reporting or supervising staff. As important, conflict of interest may involve a situation where a staff member or director could be influenced, or could be perceived to be influenced by a personal interest in carrying out their official duties.

2. GENERAL PRINCIPLES

- i. Conflicts of interest can be financial or personal and involve the interests of the director or member of staff, or members of the staff or directors' family and friends.
- ii. Members of staff who discharge official functions or perform official duties must not take into account personal interests or biases.
- iii. A lack of impartiality may arise as a result of a family relationship, close friendship or enmity, whether or not financial loss or gain is involved.
- iv. Members of staff should avoid situations in which private interests impact upon or may impact upon the discharge of duties as an employee or Board member of Educating The Future.

3. AVOIDING & DISCLOSING CONFLICTS OF INTEREST

3.1. FINANCIAL & OTHER INTERESTS

- i. Members of staff and directors should avoid any financial or other interest or undertaking that could directly compromise the performance of their duties. If the member of staff or director has a potential or actual conflict of interest (that is, where the staff member or director could be influenced or could appear to be influenced in the performance of duties) the member of staff must initially go through the Executive Manager, who will notify the Chairperson. In the case of a Director, he/she must notify the Chairperson.
- ii. In relation to a consultant to Educating The Future or a contractor for any other services to Educating The Future, a member of staff or director who is a decision-maker, providing a recommendation or report on any matter to a decision-maker, administering a Educating The Future account or in receipt of funds under any form of agreement with Educating The Future must disclose any financial interest that the person or a close member of the person's family has or may have in the matter.
- iii. A member of staff and directors must:
 - perform their duties impartially;

- avoid situations in which private interest, whether financial or otherwise, conflicts or might reasonably be thought to conflict with their public or official duty;
- disclose any potential or actual conflict of interest to the chairperson or Board;
- disclose any potential or actual conflict of interest of a member of their immediate family;
- in cases where a conflict of interest exists or might reasonably appear to exist obtain the written authorisation from the Chairperson or Educating The Future Board to continue to discharge their duties in question or cease the duties in question until the Chair or Board has examined the matter and directed the staff member or director in writing about further action and duties; and
- Not solicit or accept from any person any remuneration or benefit for the discharge of duties or to gain directly or indirectly a financial advantage for themselves or any other person over and above the official remuneration. They shall not accept any gift, hospitality or concessional travel other than permitted by Educating The Future.

3.2. DISCLOSURE

In any matter where an actual or potential conflict of interest arises, the member of staff or director must immediately report such conflict to the Chair, Executive Manager or Educating The Future Board and seek direction as to what if any future involvement there should be in the matter. The responsibility for making such a report lies with the staff member or Director (as the case may be).

3.3. IMPLEMENTATION BY CHAIR OR BOARD

3.3.1. Where a disclosure is made to by the chair and the board.

- authorise in writing continuation of the involvement of the member of staff or director in the matter;
- require the employee or director to cease acting in any or all aspects of the matter;
- direct the member of staff or director to cease supporting or involvement with a third party to the matter; or
- issue any other directive required to avoid the conflict of interest.

3.3.2. Where the Chairperson is or may be involved in the matter and where potential or actual conflict of interest involves or may involve the Chairperson directly or indirectly, the Chairperson shall take no action other than to immediately refer the matter to the Executive Management Committee and the Board.

3.3.3. The Chairperson should record in writing all reports of conflicts of interest and all directions given about handling each matter.

4. GIFTS

4.1 GENERAL RULE AGAINST ACCEPTING GIFTS

Educating The Future discourages acceptance of gifts for personal use by staff, Board members or a related party to avoid a perception that Educating The Future decisions could be influenced by such gifts. Gifts include anything of value, including, meals, loans, tickets for events, or other entertainment and payments to or for the benefit of a staff member, Board member, their immediate family or close friends.

In limited circumstances, a reasonable gift may be accepted. In considering whether to accept a gift, staff and Board members should consult the Chairperson, or in the case of the Chairperson, the Board. The Board is to be notified of all approaches

Educating The Future may require that any employment-related gift be returned.

4.2 GIFT REGISTER

Unless exempt (see below), all gifts received as a representative of Educating The Future shall be reported to the Board who will keep a register reflecting the nature of the gift, the donor's particulars and the approximate value. Approval to retain the gift (or other course of approved action) will be recorded in the Gift Register.

Gifts required to be registered should generally be applied to the overall benefit of NSW Educating The Future to the extent practical. The following do not have to be reported:

- i. Gifts valued at less than \$50.00 that are received as part of a broad-based promotion on the part of the donor and are made to similarly-situated persons at other organisations;
- ii. Reasonable meals provided in connection with the work-related trips of members of the staff or the Board at the cost of \$100.00
- iii. Meals or other modest entertainment received while attending charity events or official functions, or in furtherance of Educating The Future (e.g: End of Year Fundraising Event)

5.0 SPECIFIC INSTANCE WHERE CONFLICT OF INTEREST MAY ARISE

Directors intending to apply for executive or non-executive positions on Boards external to Educating The Future must register their interest with Educating The Future before applying.

Directors are permitted to be involved with other organisations provided there is no real or perceived conflict with Educating The Future, or its aims or objectives.

The Board will determine whether or not a conflict of interest (real or perceived) exists such as to limit, compromise, or impede the Director's ability to carry out their duties impartially and without prejudice.

In the instance where the board of Educating The Future has an option to exercise its vote in favour of a current Director of the Board seeking appointment to the Board of an outside organisation (either in an Executive or Non-Executive role), then it is imperative that the Board of Educating The Future considers all relevant external candidates.

6.0 AID TO IDENTIFYING CONFLICTS OF INTEREST

When attempting to determine whether a set of circumstances amounts to a conflict of interest (or potential conflict of interest) the following questions need to be addressed;

- What would an objective person make of these circumstances?
- Given my personal interests, could my involvement cast doubt upon my integrity and the reputation of Educating The Future?
- Could my decision appear to have been biased in favour of another person with whom I or a member of my family has a close relationship?
- If I participate, would I be happy if other Educating The Future members or the public become aware of my involvement and any associations that I have?
- How would I feel if my actions were made public?
- Will my decision or actions withstand the scrutiny of an independent person or body?
- Do I benefit, or appear to benefit, personally or on behalf of others from my decision or actions?