



**HELENA RIVER
STEINER SCHOOL**

Conflict of Interest Policy

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1		08/2017	Creation of Policy	TM
2		01/2020	More detailed information, actions and register added.	GD
3		02/2021	Minor addition	TM
4		10/2021	Minor addition	GD



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1 PURPOSE

The purpose of this policy is to help school employees and board members of Helena River Steiner School to effectively manage COI risks by identifying:

- The principles which inform the responsible management of the COI risks in the School
- The responsibilities of all School employees and managers for the management of COI risks
- Steps employees and the Board can take to manage COI risks
- Key resources available to assist employees and the Board to meet their responsibilities for managing COI risks

1.1 Overview

Conflicts of Interest (COIs) can arise for employees at all levels of seniority and in every area of work. They are an inevitable fact of organizational life and they are not in themselves a sign of wrong-doing, but they create risks which should be identified and managed.

This policy outlines the obligations on all employees to identify, report, and address conflicts of interest (COIs), and to subject them to ongoing monitoring. The policy also identifies the role of managers to take steps to address risks of COI in relation to their staff.

2 SCOPE

This policy applies to the Board members, Principal and staff members of Helena River Steiner School.

2.1 Responsibilities

All Staff and Volunteers (including Board Members) are bound by the Code of Conduct for Helena River Steiner School. The relevant duties under this code are to:

- Act with honesty and integrity
- Act in good faith in the best interests of the public entity
- Act fairly and impartially
- Use information appropriately
- Use the position appropriately
- Act in a financially responsible manner
- Exercise due care, diligence and skills
- Comply with the establishing legislation
- Demonstrate leadership and stewardship

2.2 Definition of Conflict of Interest

COI arises in circumstances where an employee's public duty is influenced, or can be seen to be influenced, by a private interest.

Private interests include both financial and non-financial interests and can include the interests of family members and close friends or associates. They can be positive or negative interests—personal enmity towards someone can be just as relevant as loyalty to them.

The public duty of all employees of the school includes the obligation to perform all duties in accordance with ethical values, which include accountability, integrity and impartiality. A conflict therefore arises if a private interest might undermine an employee's ability to perform a particular role in accordance with

these values, whether or not the outcome of the task or function is affected; an employee's benevolent intention does not mean that risks of perceived COI can go unaddressed.

While COI can lead to corruption and fraud, it mostly arises innocently and independently of any fraudulent intent and should be managed with this in mind—with transparency, consistency and without favouritism or exception.

COI can be actual, potential or perceived. A potential COI refers to circumstances where it is foreseeable that a COI may arise in future and steps can be taken now to mitigate any risk. A perceived COI arises where a reasonable person might think that an employee could be unduly influenced by a private interest, even if the employee is confident of their own objectivity.

It is particularly important for employees to address risks of perceived COI because they are the most likely to be overlooked or underestimated.

An important consideration when identifying and managing COI is whether reasonable and fair minded people would consider that a private interest is likely to influence the public duty to the extent that it would create a risk for the school values. Being able to identify these risks will assist employees and managers in taking appropriate steps to protect the reputation of the School.

Because COI is inherently subjective and personal, individuals can be prone to underestimating or misrepresenting the extent of the influence a private interest might have. It is therefore critical that the Governing Body of the school is involved in assisting employees to assess and address risks associated with COI.

Poor management of COI can have a serious effect on the School, including:

- Poor substantive outcomes arising from decisions in which merit is compromised
- Loss of stakeholder confidence and the erosion of proper processes
- Considerable expense and loss of efficiency to remedy actions which are tainted by undisclosed or improperly managed COI
- Loss of employee trust in management
- Loss of public confidence in the management of the School

2.3 Principles

The following four principles underpin the school's management of risks of COI:

- Protecting the public interest through upholding the school's values
- Supporting transparency and accountability
- Promoting individual responsibility for integrity and impartiality
- Developing an organisational culture which encourages effective management of COI

3 POLICY

This policy has been developed to address conflicts of interest affecting Helena River Steiner School.

Conflict of interest are common, and they do not need to present a problem as long as they are openly and effectively managed.



It is the policy of Helena River Steiner School, as well as a responsibility of the board, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to Helena River Steiner School.

Helena River Steiner School will manage conflicts of interest by requiring all staff and board members to:

- avoid conflicts of interest where possible
- identify and disclose any conflicts of interest
- be absent when a matter is being discussed in which they have a material interest
- not vote on a matter un which they have a material interest
- carefully manage any conflicts of interest
- follow this policy and respond to any breaches

3.1 Responsibility of the Board

The board is responsible for:

- establishing a system for identifying, disclosing and managing conflicts of interest across the School (eg standing agenda item at Board meetings)
- monitoring compliance with this policy
- reviewing this policy on an annual basis to ensure that the policy is operating effectively

The School must ensure that its board members are aware of the ACNC governance standards, particularly governance standard 5, and that they disclose any actual or perceived material conflicts of interests as required by governance standard 5 and adhere to this policy

3.2 Identification and Disclosure of Conflicts of Interest

Once an actual, potential or perceived conflict of interest is identified, it must be entered into Helena River Steiner School's Conflict of Interest Register (refer Appendix I), as well as being raised with the board.

Where every other board member shares a conflict, the board should refer to ACNC Governance Standard 5 to ensure that proper disclosure occurs.

The Conflict of Interest Register must be maintained by the School Principal. The register must record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

4 ACTION REQUIRED TO MANAGE CONFLICTS OF INTEREST

4.1 Conflicts of Interest of Board Members

Once the conflict of interest has been appropriately disclosed, the board (excluding the board member who has made the disclosure, as well as any other conflicted board member) must decide whether or not those conflicted board members should:

- vote on the matter (this is a minimum);
- participate in any debate; or
- be present in the room during the debate and the voting.

Any member who has a material interest in the matter being discussed must not be present when the matter is being discussed or vote on the matter.



In exceptional circumstances, such as where a conflict is very significant or likely to prevent a board member from regularly participating in discussions, it may be worth the board considering if it is appropriate for the person conflicted to resign from the board.

4.2 Other Conflicts of Interest at the School

In all cases where a conflict of interest has been identified, it will be recorded in the Conflict of Interest Register. The case will be forwarded to the board for review. If necessary, a COI Officer will be nominated by the Board to investigate and report on each individual case on behalf of the board. The COI Officer will, if necessary, develop a detailed plan on how to manage the COI which will be submitted to the Board for review. Items in the plan should include strategies to ensure that the COI is managed in a procedurally fair manner and that affected persons are given clear direction on how to manage the COI. The board will review the recommendations and take any action deemed necessary at the earliest convenience. The COI Officer will give regular updates to the Board on how the COI issue is being managed and raise any pertinent items that may need addressing.

4.3 What Should be Considered when Deciding what Action to Take

In deciding what approach to take, the board will consider:

- whether the conflict needs to be avoided or simply documented
- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making alternative options to avoid the conflict
- the School's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the School

The approval of any action requires the agreement of at least a majority of the board (excluding any conflicted board member/s) who are present and voting at the meeting.

The action and result of the voting will be recorded in the minutes of the meeting and in the Conflict of Interest Register.

5 PROCESS FOR MANAGING RISKS OF COI

Responsible management of risks of COI involves three steps:

1. Assessment

Whenever a COI is identified it is recorded in a COI Register. All COI matters be forwarded to the Board Appointed Grievance Officer who will assess and determine the best approach to deal with the COI. COI issues are to be tabled as an Agenda Item to be discussed and decided upon at the monthly Board Meetings.

2. Risk Management

The risks to public interest and the School's reputation need to be access and reasonable steps taken to protect the public interest. It is important to maintain confidentiality in managing private information in the assessment and management of COI cases.

3. Monitoring

The identification and management of COI should be subject to regular review—periodically and in response to any changes in circumstances (such as changes in line-management).

6 COMPLIANCE WITH THIS POLICY

If the board has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interest, the board may take action against them. This may include seeking to terminate their relationship with the School.

If a person suspects that a board member has failed to disclose a conflict of interest, they must discuss with the person in question, notify the board, or the person responsible for maintaining the Conflict of Interest Register.

7 REFERENCES

Related Documents	
Links With	
Related Legislation	<ul style="list-style-type: none"> ACNC Governance Standard 5
Appendices	Appendix I: Conflict of Interest Register

8 APPENDICES

