



# Conflict of Interest Policy and Procedures

## DOCUMENT INFORMATION

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21 July 2014	Updated the Authority's address page 2		Compliance and Executive Support Officer
July 2015	<ul style="list-style-type: none"><li>• Minor amendments throughout</li><li>• Removed Attachments 1-4</li><li>• Additional external employment form – Attachment 1 – amended to reflect delegation to Director, Corporate Services from CEO</li></ul>		Director, Corporate Services

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## **SECTION 1: POLICY STATEMENT**

It is recognised that almost all functions performed at the School Curriculum and Standards Authority can potentially lead to a conflict of interest situation.

It is Authority policy to be proactive in identifying potential conflicts of interest situations and to manage them in an ethical, transparent manner, capable of review.

## SECTION 2: DEFINITION

In the public sector context, a conflict of interest involves a conflict between a person's duty as a public officer, and their personal or private interests.

Conflicts of interest can be perceived or potential.

The perception that a public officer's private interests could improperly influence their public duty are as important to identify as an actual conflict of interest. This is because public confidence in the integrity of the organisation is vital.

A potential conflict of interest arises where a public officer has private interests that could conflict with their official duties.

Another type of conflict of interest can exist where a public officer has competing interests through more than one official role, or public duty.

Conflicts of interest can occur quite frequently and are not necessarily unethical, or wrong. However, it is how they are identified and managed that is important. If conflict of interest situations are not properly identified and managed, they can endanger the integrity of an organisation and/or individual and can result in corruption in the public service.

It is not misconduct to have a conflict of interest but when public officials use their official positions/authority for personal gain or benefit (or for the benefit of friends or relatives) then they have acted improperly and possibly corruptly.

## SECTION 3: TYPES OF CONFLICT OF INTEREST

Financial or material conflicts of interest arise where a public officer could generate a financial benefit from their official duties either for themselves or for someone with whom they are closely associated. If a family member, spouse or close associate is the one that receives the benefit then the public officer is considered to have a conflict of interest. The benefit does not need to be an immediate one but can involve a future financial gain.

Non-financial conflicts of interest arise where public officers have a tendency toward favour or prejudice arising from a personal involvement, relationship, obligation, value or attitude that could impact on how they carry out their job.

Another type of conflict situation arises where a public officer has more than one official role and these come into conflict. Keeping the roles separate in these situations can be difficult and can result in one role suffering at the expense of another or improper actions/decisions occurring. Refer to Section 4 for further information.

## SECTION 4: ADDITIONAL EXTERNAL EMPLOYMENT

(refer to [Public Sector Management Act 1994 \(Part 8, s102\)](#))

All staff, regardless of whether employed in a full-time or part-time capacity, will advise the Director, Corporate Services of any employment undertaken other than at the School Curriculum and Standards Authority. [Additional external employment \(curriculum\)](#) or [Additional external employment \(general\)](#) must be completed and submitted to the Director, Corporate Services before undertaking additional employment (refer to Attachment 1)

Additional external employment may or may not be seen as a conflict of interest and will be determined by the Director, Corporate Services. Staff submitting an application to the Director, Corporate Services will receive a response only if the Director, Corporate Services deems there may be a conflict of interest, otherwise the request will be filed accordingly.



## SECTION 5: MANAGING CONFLICTS OF INTEREST

Management of conflicts of interest is an ongoing process in three broad stages:

1. **identify** and assess the situation and surrounding circumstances, including the private interests of the person affected to determine:
  - a. whether a conflict between an officer's public and private interests exist
  - b. that it is significantly motivating to require further investigation
2. **manage** the formal reporting or disclosing of the potential conflict, recording that disclosure and adopting an appropriate procedure to address the real or perceived conflict of interest, if required
3. **monitor** the implementation, record progress/outcomes and review the effectiveness/appropriateness of the management plan.

The Authority has determined that in seeking to obtain the best possible balance of people for its committees and panels, it is essential to seek the services and advice of practising teachers and other expert educators. With this determination comes the need to avoid or reduce the likelihood that conflict of interest might be seen to interfere with a person's work in these roles or that it may be used to prejudice the high public standing of their activities.

An assessment of a conflict of interest situation includes a determination of:

- the nature of the matter that has given rise to a possible conflict e.g. potential partiality or role conflict in a selection process
- compliance with the agency's statutory requirements, policies and codes of conduct
- the level of conflict between the public duty required and the private interests of those involved.

Individuals, in disclosing their conflict should reflect on the following questions:

*Private interest* – is there a private interest in this specific situation? Could I be influenced by this interest, or could I appear to be influenced by this interest?

*Potential benefits* – could the matter result in a benefit to me, or someone important to me – both immediately and in the future? Could that benefit throw doubt on my objectivity?

*Perception* – would a neutral person think that my private interests could conflict with my public duty? Are there perceived risks for me and/or my agency?

*Proportionality* – does my involvement appear fair and reasonable? Does it enable me to act and be seen to act in a fair, impartial and objective manner? Is it consistent with policy?

*Public scrutiny test* – could I defend/justify my involvement if questioned publicly? What might the consequences of my involvement be for me, others, colleagues, the agency and the public?

*Promises and obligations* – have I made any promises or commitments in relation to the matter? Do I have affiliations past or present that place me under an obligation?

There is no one set response or right way to manage conflicts of interest and the choice of management strategy will depend very much on the nature and severity/seriousness of the conflict and the circumstances of the situation. This includes policy and/or legislative requirements.

The following six responses are hierarchical in that they reflect a response to an increasing level of complexity and seriousness in a conflict of interest situation:

**Register** – involves a formal process of recording disclosures of a conflict of interest in a register or in some other manner, *e.g. minutes, contract files, recruitment files, etc.*

**Restrict** – is where limits are placed on the extent of the public officer's involvement. This strategy is useful for one-off situations where the conflict is not ongoing and in matters where it is possible to separate parts of the activity involved.

**Recruit** – refers to involving an objective third party who oversees part or all of the process. This strategy is useful where it is not possible to restrict the involvement because either the person is the only one available or the only one with skills and knowledge.

**Remove** – this strategy is used in more serious situations and involves the person withdrawing from all involvement in the matter.

**Relinquish** – it could be easier or preferable for the person to relinquish the personal interest that is impacting on their capacity to carry out their ongoing job. Relinquishment will not always be appropriate or even feasible and the rights of the individual need to be respected.

**Resign** – resigning from one's job is clearly a very extreme intervention but may be the only option in serious situations that are likely to be ongoing and when the person cannot or will not relinquish the private interest involved.

## SECTION 6: CONFLICT IN ORGANISATIONAL AREAS

### *Finance*

Processes and procedures are in place to ensure that opportunities for unethical or illegal behaviour are minimised. Refer to the Authority's *Financial Management Manual* and the *Procurement Policy and Procedures* for further information.

### *Examinations*

Anyone who is closely associated with a student studying in Year 12 must declare that association and the details of their study program at the start of the year. Arrangements are put in place by the Examination Services directorate to preclude that person being involved in any capacity that might constitute a conflict of interest. This could mean temporarily deploying the person to another directorate and/or limiting access to certain parts of the building.

### *Other*

Where staff are considering, or have an external interest, where there may be a possible conflict of interest, they must declare this to the Director, Corporate Services at the earliest opportunity.

Each directorate of the Authority is responsible for managing and recording conflicts of interest as required. In each of the following roles, any possible conflict of interest must be declared in writing to the person responsible, as shown below.

**TABLE 1: POSITIONS RESPONSIBLE FOR CONFLICTS OF INTEREST**

<b>Position responsibility</b>	<b>Directorate</b>	<b>Role</b>
Manager, Examination Logistics	Examination Services	Markers, chief markers, supervisors, chief supervisors, Examination Logistics casual staff, special examination arrangement assessors, committees – special examination arrangement appeals committee, sickness/misadventure committee, exhibition and awards committee, breach of examination rules committee, appeals to breach of examination rules committee
Manager Examination Development	Examination Services	Chief examiner, examiner, independent reviewer, final checker, examination writer, examination reviewer, Authority staff
Senior Consultant - Human Resources	Corporate Services	Merit selection panel
Director, Corporate Services	Corporate Services	Tender Procurement of goods and services Additional employment, general conflict of interest queries
Director, Curriculum, Assessment and Moderation	Curriculum, Assessment and Moderation	Curriculum advisory committees

## SECTION 7: IMPLICATIONS OF NOT MANAGING CONFLICTS OF INTEREST

Poorly managed conflicts of interest can undermine stakeholder and public confidence in **individuals**. Loss of confidence in the honesty of staff can result in an increase in complaints, as people are more likely to think the worst and not trust information that they are given. As stakeholders become more hostile, less co-operative and question more, valuable resources are taken up away from core business whilst dealing with other issues.

For **organisations**, undisclosed and poorly managed conflicts of interest are of concern because suspicions of self-interest and unfair practices, whether they are true or not, can damage an organisation's reputation, resulting in a loss of public trust and confidence. This makes achieving organisational outcomes difficult. Unmanaged conflicts can also result in inefficient, irresponsible and inappropriate use of public resources.

For **communities**, effective management of conflicts of interest is important because at a very basic level, our system of democratic government relies on trust. Trust by the public that they can have confidence in the integrity of their public officials and institutions; that these officials and institutions will operate in the public interest and will carry out their jobs honestly, with integrity without private interests influencing what they do.

## SECTION 8: BREACH OF CONFLICT OF INTEREST

Where a potential breach has been identified, the matter is investigated. The role of the manager (refer to Table 1) is to ensure confidentiality and natural justice is observed and decisions are impartial, transparent and capable of review. A matter should be referred to a higher level if it is unable to be resolved by the area manager.

If a breach has been proven, disciplinary action may be taken.

## SECTION 9: RELEVANT ACTS AND LEGISLATION

[Public Sector Management Act 1994](#)

## SECTION 10: OTHER RELATED INFORMATION

[SCSA's Security and building policy and procedures](#)

[SCSA's Staff information manual](#)

[SCSA's Code of conduct employee declaration](#)

# ATTACHMENTS

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## ATTACHMENT 1: ADDITIONAL EXTERNAL EMPLOYMENT

Our Ref: PH0537

Director, Corporate Services  
School Curriculum and Standards Authority  
303 Sevenoaks Street  
CANNINGTON WA 6107

Dear <name>

Name: \_\_\_\_\_ Staff ID: \_\_\_\_\_

Current position with Authority: \_\_\_\_\_

Work type (i.e. full-time, part time or casual) and FTE: \_\_\_\_\_

I request permission to undertake additional employment under section 102 of the *Public Sector Management Act 1994*.

I agree to abide by the following conditions:

1. I will not solicit or offer any inducement to students or employees of government or non-government schools to persuade them to purchase my product/service
2. The additional employment or business is undertaken in my own time
3. The timing and duration of the additional employment or business will not compromise my ability to function effectively or interfere with work performance as an employee of the School Curriculum and Standards Authority
4. The additional employment or business will not detract from the image of the Authority as an institution of public trust
5. Authority duties take precedence over additional employment or business
6. I will not use Authority resources or confidential information in the course of undertaking additional employment or business
7. I will not undertake, as principal or agent of a business, contracts for service where the principal contractor is the Minister for Education, School Curriculum and Standards Authority, Department of Education, or an agent of either the Minister or the Authority
8. I will not undertake any activities associated with my additional employment or business whilst on authorised sick or personal leave, annual leave or parental leave
9. I can only undertake activities associated with my additional employment or business during vacation leave, long service leave, deferred salary scheme leave or leave without pay if I have received the express authorisation from you to do so
10. At any time where there is a change that may result in a conflict of interest, either perceived or real, I undertake to bring the matter to your attention for approval.



**Nature of Additional Employment**

(a) Self-employed  (b) Employed by another organisation

- (i) Description of role undertaken \_\_\_\_\_  
\_\_\_\_\_
- (ii) If (b) then list name of organisation \_\_\_\_\_
- (iii) Targeted group of services \_\_\_\_\_
- (iv) Expected hours/days of work per week \_\_\_\_\_
- (v) Date commenced and expected duration of employment \_\_\_\_\_
- (vi) Source of remuneration \_\_\_\_\_
- (vii) Currently on leave or intending to take leave? If so please provide details below.  
Type of leave: \_\_\_\_\_ Dates: \_\_\_\_\_  
Additional comments: \_\_\_\_\_  
\_\_\_\_\_

I hereby declare the information provided above is accurate.

I acknowledge that should my employment circumstances change, I must resubmit my application on an annual basis. I understand and agree that the Authority retains the power to withdraw approval at any time.

Name and Signature of Applicant	Date
Endorsed by Line Manager	Date
Approved by Director, Corporate Services	Date

Note:

- Once completed, please provide a signed hard copy to the Director, Corporate Services.
- You will be contacted if approval has **not** been granted.
- If approved, this document will be placed on your personal file.