

Conflict of Interest Policy (Executive Committee)

|  |  |  |
| --- | --- | --- |
| **Purpose:** | The purpose of this policy is to clarify guidelines to protect against potential conflicts of interest by Executive Committee members of the Blackall Range Independent School Executive Committee, to observe legislation regarding conflict of interest, and to engage in school business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety. | |
| **Scope:** | The policy covers the types of activities which may constitute a conflict of interest, how a conflict of interest might be determined and the responsibilities of directors with regard to declaring conflicts of interest. | |
| **References:** | * *Education (Accreditation of Non-State Schools) Act 2001 s39(2)* * ACNC Regulation 2013 s45.25 * *Corporations Act 2001/Associations Incorporation Act 1981*(choose relevant Act) * Board Code of Conduct * Financial Policies in relation to contracts and tendering * HR Policies | |
| **Supersedes:** | Previous | |
| **Authorised by:** | Executive President | **Date of Authorisation:** 16/5/2018 |
| **Review Date:** | Annually | **Next Review Date:** 2019 |
| **Policy Owner:** | School Governing Body | |

**Policy**

It is the policy of the Board of Blackall Range Independent School that all Executive Committee members avoid any conflict of interest or the appearance of conflict of interest.

**Definitions**

A conflict of interest may be defined as "any situation where an Executive Committee Member may be in (or may potentially be in) a position of being involved in a decision or action where they may not be perceived to be able to put the interests of the school first and foremost".

In deciding if there is a conflict of interest, an Executive Committee member should consider the capacity for the interest to affect their decision-making; the importance of the interest to the Executive Committee member (not the school); and how others may view these questions, as the test of materiality is not what the Executive Committee member believes but what a reasonable person would believe.

**Legislation**

***Associations Incorporation Act 1981 –*** requires that Executive Committee members must avoid actual or potential conflicts between their interests and those of the Association and not exploit business opportunities for themselves at the expense of the Association.

***Education (Accreditation of Non-State Schools) Act 2001*** – allows that in assessing the suitability of a governing body, the Accreditation Board may have regard to:

* whether the governing body has appropriate guiding principles and procedures for identifying, declaring and dealing with any conflict of interest a director of the governing body may have relating to an aspect of the operation of the school.

**Implementation**

The Board has determined that Blackall Range Independent School will:

1. contract for goods and services in a manner that will avoid any conflict of interest or perceived conflict of interest
2. avoid conflict of interest in relation to employment of staff. The school may not employ any staff member related by blood or marriage, to a Executive Committee member except by a unanimous vote of the full Executive Committee.
3. require full disclosure from Executive Committee members in situations where they, their relatives, partners or friends, may benefit financially, or in any other material way, from a decision made by the Executive Committee.

In particular, directors of Blackall Range Independent School may not:

* apply the school’s property either for their personal benefit or for the benefit of any other person without the authority of the full Executive Committee.
* benefit financially, or in any other material way from the outcome of a decision made by the Executive Committee.
* cause any relative, partner or friend, or any organisation in which they have equity or of which they are an employee or a board member, to benefit from their position on the Executive Committee.
* make unauthorised use of confidential information belonging to the School
* intentionally gain an advantage (directly or indirectly) for any person or causes detrimental to the school.

**Conflicts Prior to Taking Office**

An Executive Committee member with personal financial interest in a sale, lease, or contract with the school, which was entered before the Executive Committee member took office, and presents an actual or potential conflict of interest, shall immediately notify the Executive Committee Chair of such interest. It shall thereafter be the responsibility of the director to refrain from participating in any discussion or action relating to the sale, lease, or contract by the Executive Committee.

**Conflicts While in Office**

If at any time an Executive Committee member believes that he or she may appear to be unable to maintain professional objectivity on any issue, because of a personal situation, employment, or other reasons, the member must notify the Executive Committee Chair and must not vote on the matter or be present when the matter is being considered by the Executive Committee.

**Determination as to Whether a Conflict of Interest Exists**

The determination as to whether a conflict of interest exists is to be made by the Executive Committee Chair. Any Executive Committee member who has an actual, perceived or potential conflict of interest shall notify the Executive Committee Chair of such conflict immediately. The Executive Committee Chair shall then determine the appropriate course of action.

**Sample Declaration of Conflict of Interest**

**Blackall Range Independent School**

**ABN XX XXX XXX XXX**

**Declaration of Conflict of Interest**

I wish to declare the following personal interest that conflicts or may conflict with the discharge of my responsibilities as a director of Blackall Range Independent School in a matter in which the organisation has an interest or which is under consideration by the School.

|  |
| --- |
| *[Explain nature of conflict]* |
|  |
|  |
|  |

Signed:.......................................................... Date: .....................

Full Name of Executive Committee Member: ......................................................................

This declaration was tabled and minuted at the Blackall Range Independent School meeting at [place] on [DATE].

Course of action directed by the Executive Committee to resolve the conflict of interest:

|  |
| --- |
| *[e.g.,* Executive Committee *member asked to leave the boardroom during matter related to the conflict]* |
|  |
|  |
|  |

Signed:.......................................................... Date: .....................

Executive Committee Chair: ......................................................................