

Conflict of interest policy

Document title	Conflict of interest policy
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Approved by	Education Executive Board (EEB)
Date approved	11 December 2023
Document review	Every three years
TRM number	50:F23:7773

Version	Date	Author	Changes made
1.0	1 March 2022	Review of policy	First Version
1.1	27 September 2022	Kylie Ramsay	Administrative amendments to align roles and responsibilities to the structural alignment in effect from 1 July 2022.
2.0	29 June 2023	Quality Assurance Services	Draft Revised version
2.1	27 July 2023	Quality Assurance Services	Inclusion of feedback following consultation
2.2	12 September 2023	Quality Assurance Services	Inclusion of School Representative Bodies, School Management Councils and their employees
2.3	8 September 2023	Quality Assurance Services	Inclusion of feedback following consultation.
3.0	11 December 2023	Quality Assurance Services	Approved by A/CE

Acronyms	Full form
ARC	Audit and Risk Committee
CE	Chief Executive
Cth	Commonwealth
EEB	Education Executive Board
FARMS	Financial and Resource Management for School Policy and Manual
ICAC	Independent Commissioner Against Corruption
NT	Northern Territory
NTG	Northern Territory Government
NTPS	Northern Territory Public Sector
QAS	Quality Assurance Services
SMC	School Management Councils
SRB	School Representative Bodies
TRM	Territory Records Manager

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1. Policy

The Department of Education (the department) is committed to ensuring that the department's public sector officers (employees), School Representative Bodies (SRB) and School Management Councils (SMC) including their employees (school bodies) perform their duties to the highest ethical standard and in the best interest of the people and community of the Northern Territory (NT). This conforms with the NTPS Values¹ and section 5 of the Code of Conduct², under the guidelines issues to schools under Section 112(1) and 118(6) of the *Education Act* 2015, including the schools code of conduct.

Integrity and effectiveness of decision making require adequate management of conflicts of interests. All employees and school bodies must therefore disclose and manage actual, potential, and perceived conflicts of interest. A conflict of interest arises where official duties may be influenced, or seen to be influenced, by their private interests, including the interests of family members.

Throughout this policy where the terms:

- conflict of interest declaration is used; this includes the agreed approach to manage the conflict and any relevant supporting documentation and authorisation.
- school body or school bodies are used, this also includes school body employees.

2. Objective

The objectives of the department's conflict of interest policy are to ensure:

- conflicts of interest are identified, declared, assessed, managed, and documented routinely as required by the [Public Sector Employment and Management Act 1993](https://ocpe.nt.gov.au/__data/assets/pdf_file/0005/246029/CPE_Bulletin_NTPS_Values2013.pdf)³, Employment Instruction 12 - Code of Conduct and the relevant school's or school bodies Code of Conduct
- conflicts of interest are identified and declared:
 - as soon as a conflict of interest arises or changes
 - annually as part of a mandatory declaration process for certain officers or positions, refer to the Conflict of interest declaration procedure
 - as part of activities, for example, recruitment, procurement, committees, or boards.
- employees and school bodies make decisions relating to their duties on merit without regard for their own personal interests, attributes or opinions and should not have an actual, potential, or perceived conflict of interest when making those decisions
- the high standards required of public sector organisations, employees, and school bodies are maintained while administering public resources and providing public services
- transparency and accountability are facilitated by providing a mechanism to declare and manage conflicts of interest as they arise
- protection from perceptions or allegations of improper or unprofessional conduct
- a supportive organisational culture that facilitates disclosure and discussion of conflicts of interest.

¹ https://ocpe.nt.gov.au/__data/assets/pdf_file/0005/246029/CPE_Bulletin_NTPS_Values2013.pdf

² https://ocpe.nt.gov.au/__data/assets/pdf_file/0006/379329/ei-12-code-of-conduct.pdf

³ <https://legislation.nt.gov.au/Legislation/PUBLIC-SECTOR-EMPLOYMENT-AND-MANAGEMENT-ACT-1993>

3. Scope

This policy applies to all employees of the department, both corporate and school-based employees, as well as school bodies. It includes the conduct of employees and school bodies and their business and private interests.

There may be other situations or circumstances where employees may find themselves conflicted and required to disclose a conflict of interest. These may include, but not limited to:

- accepting gifts and benefits
- personal relationships
- secondary employment.

4. Types of conflict of interest declarations

All conflicts of interest declarations for employees are to be submitted and managed through the online portal, except for the following activities: school bodies and their employees; committees; recruitment and employment; and procurement. Further information is provided in the below sub-headings as well in the Conflict of interest procedure document.

4.1. School bodies and their employees

Conflict of interest declarations relating to school bodies should be submitted to their school Principal for inclusion in the school Conflict of interest register and kept on file, within an approved record keeping system.

4.2. Committee activities

Conflict of interest declarations relating to external or independent members on departmental committees should be submitted to the respective committee chair for management by the committee secretariat. All committee members should declare actual, potential, or perceived conflicts of interest pertaining to the agenda topic at each meeting, with a record of the declarations included in the meeting record. Reported committee conflict of interest declarations do not supersede the need for internal members to declare other conflict of interests in line with this policy for example, as part of their nominal positions or when undertaking recruitment or procurements activities.

4.3. Recruitment or employment activities

Conflict of interest declarations relating to department recruitment activities for employees or school body employment activities, are to be submitted to the respective chair of the recruitment or employment activity for transparency and record keeping purposes.

4.4. Procurement activities

Conflict of interest declarations relating to procurement activities are to be submitted to the respective procurement chair for inclusion in the procurement file. Further information is detailed in the Conflict of interest procedure.

5. Roles and responsibilities

5.1. Employees

Employees have the primary responsibility for declaring and managing conflicts of interest and are responsible for:

- identifying and discussing any actual, potential or perceived conflict of interest with their line manager, principal, division head or Director Quality Assurance Services as soon as they become aware of the conflict of interest and taking all reasonable steps to prevent a conflict of interest
- completing a conflict of interest declaration in the [online portal](#) as soon as they become aware of any actual, potential, or perceived conflict⁴
- actively managing the status of a submitted conflict of interest declaration in the portal
- completing the relevant manual conflict of interest declaration form for procurement and recruitment panels as soon as possible or as requested by the panel chair.

5.2. School body members and their employees

School body members and their employees have the responsibility for declaring and managing conflicts of interest and are responsible for:

- identifying, discussing, and declaring any actual, potential, or perceived conflict of interest with the school body chair as soon as they become aware of the conflict of interest and taking all reasonable steps to prevent a conflict of interest
- completing a conflict of interest declaration form as soon as they become aware of any actual, potential or perceived conflict of interest
- making decisions on merit without regard for own personal interests, attributes, or opinions.
- being transparent, accountable, and protecting the school and the department from perceptions or allegations of improper or unprofessional conduct

For principal and teacher members of school bodies, the process for employees is to be followed with the declaration noted in both the department and school conflict of interest registers.

5.3. Chair of School Bodies

The Chair will receive a report from the principal capturing existing school body and employee conflict of interest declarations and mitigation strategies.

The Chair is to ensure all declarations are captured and subsequently provide the exhaustive list to the school principal to approve the mitigation strategies and record in the school's conflict of interest register.

Conflict of interest declarations by the chair of SRBs are to be provided directly to the principal. Where the principal is the only member of a SMC, the process for employees is to be followed with the declaration noted in both the department and school conflict of interest registers.

⁴ <https://educationnt-eserve-prod.powerappsportals.com/>

5.4. Managers

Managers, including school leadership teams, are responsible for:

- ensuring all employees understand their responsibilities in relation to conflicts of interest and are compliant with this policy
- having conversations with staff to appropriately identify, report and manage conflicts of interest and ensuring sufficient, validated details regarding the conflict of interest are reported
- assisting the employee with the development of appropriate management strategies and the ongoing monitoring and evaluation of conflict of interest declarations
- ensuring online conflict of interest declarations are completed, where required, by 1 March of each year
- ensuring all conflict of interest declarations for employees are reviewed and a timely decision is made around supporting or not supporting a disclosure.

5.5. Principals

Principals are responsible for:

- ensuring all employees and school bodies understand their responsibilities in relation to conflicts of interest and are compliant with this policy
- having inquiry-based conversations with employees and school bodies to appropriately identify, report and manage conflicts of interest and ensure sufficient, validated details regarding the conflict of interest are declared, including assisting with the development of appropriate management strategies
- ensuring online conflict of interest declarations are completed for employees, where required, by 1 March of each year
- making a decision on the school body's including their employees' conflict of interest declarations, with the exception of their own
- ensuring all conflict of interest declarations for employees have been reviewed and a decision made around supporting or not supporting a disclosure
- maintaining a school body conflict of interest register on a restricted file, this file is to contain all records of conflict of interest disclosures
- providing the school body with reporting on disclosed conflict of interests, including the management strategies
- making the school body's conflict of interest register and declarations available for auditing purposes.

5.6. Quality Assurance Services

The Quality Assurance Services branch is responsible for:

- communicating annual disclosure reminders
- providing advice to the Chief Executive (CE), or relevant delegate to support effective management of conflicts of interest
- maintaining the department's conflict of interest policy, procedure, online portal, register (with the exception of school body registers) and any relevant forms as required

- ensuring appropriate strategies are in place to support employee compliance with this policy including the provision of reminders to employees to submit their declarations as applicable
- supporting and promoting conflict of interest obligations across the department
- auditing school body conflict of interest registers.

5.7. Executive Directors and Deputy Chief Executives

Executive Directors and Deputy Chief Executives are responsible for:

- ensuring all employees understand their responsibilities in relation to conflicts of interest and are compliant with this policy
- having conversations with staff to appropriately identify, report and manage conflicts of interest and ensure sufficient, validated details regarding the conflict of interest are declared
- assisting the employee with the development of appropriate management strategies and the ongoing monitoring and evaluation of conflict of interest declarations
- ensuring online conflict of interest declarations are completed, where required, by 1 March of each year
- ensuring all conflict of interest declarations for employees are reviewed and a timely decision is made around supporting or not supporting a disclosure.

5.8. Chief Executive

The CE is responsible for:

- reviewing and approving or declining conflicts of interest declared by employees as per the department's delegation of authority policy and the NT public service code of conduct
- establishing a departmental culture, with the Education Executive Board (EEB), that prioritises the mitigation of risks associated with fraud and improper conduct, including the proper control of conflicts of interest.

6. Definitions

Term	Meaning
Chair	Is the chair of the SRB or SMC. In the event the SMC does not have a chair, this could be the school principal.
Conflict of interest	A conflict of interest arises where an employee's official duties may be influenced, or be seen to be influenced, by their private interests either financial, pecuniary, or non-financial, non-pecuniary, including the interests of family members. Conflicts of interest may be actual, potential, and perceived.
Actual conflict	Actual conflict is where private interests of an employee interferes with their official duties and responsibilities.
Potential conflict	Potential conflict arises when an employee has private interests that could interfere with their official duties at some point in the future.

Term	Meaning
Perceived conflict	Perceived conflict is where a reasonable and fair-minded person could form the view that an employee's private interest could influence, or may have influenced, the performance of an employee's official duties.
Employee	An employee (public sector officer) is a person employed by the Department of Education, in a school or corporate setting, and includes ongoing, fixed term contract or casual employees. This includes school-based staff employed on ongoing, fixed term or casual contracts with the Northern Territory Public Sector (NTPS), under the <i>Public Sector Employment and Management Act 1993</i> .
Independent Public School	A government school designated as an independent public school by the Chief Executive Officer under section 74(1) of the Act.
NTGPROCURE	A TRM dataset managed by DCDD, used to store procurement and contract data for all Tier 2 and above contracts.
Official duties	Official duties are the duties undertaken by employees while performing their role.
Private interests	Private interests are personal, professional, or business interests that can bring benefit or disadvantage to employees and/or individuals with whom the employee has a close personal relationship with, including persons who substantially or wholly rely on the employee for support, financial or otherwise.
Public duty	Public duty is the responsibility of public sector employees to put the public interest above their own personal or private interests when carrying out their official duties.
Public sector officer	Persons employed by the Northern Territory Public Sector under the <i>Public Sector Employment and Management Act 1993</i> , are referred to as employees in this policy.
School-based staff	School-based staff are employed by the Department of Education in a school on an ongoing, fixed term or casual contract. They are referred to throughout this policy as employees.
School Bodies	School bodies is the single term used throughout this policy and the guideline, to bring together both school management council members, school representative body members and their employees.
School Body employees	Employees of a school management council or school representative body in accordance with the <i>Education Act 2015</i> section 107(1)(k) and 119(1)(g) under the <i>Fair Work Act 2009</i> (Cth) and any relevant award.
School Management Council	A school management council is established under section 118(2) of the Act. The school management council can be referred to as a multi-school management council.
School Representative Body	A school representative body is established under section 103(2) of the Act. The school representative body can be referred to as an independent public school board, school council or joint school representative body.

Term	Meaning
Territory Records Manager (TRM)	TRM is the Northern Territory Government's electronic document and records management system.

7. Related legislation, policy, and documents

7.1. Legislation

Criminal Code Act 1983

Education Act 2015

Education Regulations 2015

[*Independent Commissioner Against Corruption Act 2017*](#)

[*Information Act 2002*](#)

[*Public Sector Employment and Management Act 1993.*](#)

7.2. Policy and documents

[A guide to procurement planning⁵](#)

Codes of conduct for education sites and workplace participants – policy

Codes of conduct for education sites and workplace participants - procedures

Conflict of Interest Procedure

Financial and Resource Management for Schools (FARMS) Policy and Manual (currently being developed)

Fraud Control Framework

Gifts and Benefits Policy

[Mandatory Reporting Directions and Guidelines for Public Officers⁶](#)

Office of the Commissioner for Public Employment, Employment Instruction 12 – Code of Conduct⁷

[Procurement Rules⁸](#)

School's Code of Conduct.

⁵ <https://ntgcentral.nt.gov.au/services-and-support/buy-goods-and-services/quotes-and-tenders/guide-to-procurement-planning>

⁶ https://icac.nt.gov.au/_data/assets/pdf_file/0009/1174383/Mandatory_Reporting-Directions_Guidelines_amended-FA.pdf

⁷ https://ocpe.nt.gov.au/_data/assets/pdf_file/0006/379329/code-of-conduct-for-the-northern-territory-public-sector.pdf

⁸ https://nt.gov.au/_data/assets/pdf_file/0010/899146/procurement-rules-v1.6.pdf