

CONFLICTS OF INTEREST POLICY



Policy Statement

It is the responsibility of employees to ensure that their interests do not create a conflict of interest or a perception of a conflict of interest with the interests of Little Adventures Early Learning (LAEL). This policy aids with avoiding a conflict of interest, identifying where there is an actual or potential conflict of interest and outlines a process for dealing with a conflict of interest.

Scope

This policy applies to all LAEL's employees.

What is Conflict of Interest?

Conflict of interest means a situation where there is or may be a conflict between two or more competing interests of a person. In the work context, there may be a conflict between a person's private interests (which may include their business, personal, legal or financial interests or duties owed to persons other than LAEL and their professional responsibilities as an employee of LAEL.

Personal interests include direct interests and those of any person who has a close personal relationship with the worker.

A conflict of interest can be:

- actual – where a conflict exists
- potential – where a conflict could arise in future
- perceived – where it reasonably could appear that there is a conflict.

All employees must take reasonable steps to avoid a conflict of interest between their private interests and their professional responsibilities to LAEL.

Examples of situations where there may be a conflict of interest include:

- in business and professional dealings
- in personal relationships
- conflicts arising from the interests of people or entities associated with you
- dual interests and conflict of duties owed
- acceptance of benefits, such as entertainment, travel, gifts.

These are not the only situations where a conflict of interest can arise.

Identifying a Conflict of Interest

Identifying a conflict can be difficult. Employees should use the following guide.

- A conflict of interest can be actual, perceived or potential.
- Seek opinions from supervisors or managers.
- When considering whether a conflict of interest exists, consider the situation from the standpoint of an outsider. If it is likely that a reasonable outsider would consider that a conflict exists, you should act as though a conflict does exist.
- If you are unsure whether there is a conflict of interest, you are expected to declare it. This will protect you and the organisation.

Regardless of how minor a conflict of interest may seem, it is important to maintain an ethical approach in all circumstances. Even a minor conflict or matter that occurs frequently may become substantial.

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Disclosure of Conflict of Interest

Employees must disclose any actual, potential or perceived conflict of interest in connection with their duties or the services they perform for LAEL. This policy should be reviewed annually or whenever any circumstances change. It is the responsibility of employees to advise the Approved Provider or Centre Director of an actual or potential conflict of interest at the earliest possible opportunity.

All staff must review their declaration of Conflicts of Interest annually to reflect the current enrolments of children at the service. Staff should also declare Conflicts to the Centre Director or Approved Provider as soon as they become aware they exist.

Management of Conflict of Interest

Where there is a conflict of interest LAEL must consider and decide what action to take. Depending on the circumstances, this may include:

- No action being taken and the situation being monitored
- The person with the conflict not being involved in certain discussions, decisions, negotiations, assessments
- Restricting the involvement of the person with the conflict in a matter
- Removing the person with the conflict entirely from the matter
- Supervision of the person with the conflict in relation to the matter.
- The person with the conflict relinquishing any external interests/roles causing the conflict of interest.
- The employee must comply with the decision made. LAEL reserve the right to place any necessary and reasonable further restriction on an employee, if facts and circumstances come to our attention which, in our view, could compromise an employee's position or the reputation, business or goodwill of LAEL.

Conduct Specifically Prohibited

Without limiting the generality of the obligations set out in the policy, employees must not (without the prior consent of the Approved Provider):

- Safeguarding confidential information is the responsibility of ALL staff. Employees are not to discuss any children, family, staff or management information with any third parties without written permission.
- If you are unsure of your responsibilities, contact the Approved Provider or Centre Director for clarification. Your employment with LAEL requires you to sign and abide by the Confidentiality Agreement.
- The Service maintains the privacy and confidentiality of all records and information about individual children, families, parents, staff/educators, students and volunteers. The Service collects, stores, discloses, and disposes of all personal information according to the National Privacy Principles contained in the Privacy Act 1988 (Commonwealth) and all other relevant legislation.
- The Service keeps records according to the timeframes outlined in the Education and Care Services National Regulations.

Employees are required to advise the Centre Director immediately they are aware of any fee, gratuity, commission or benefit being provided by any person (other than LAEL) to any employee of LAEL for or in relation to any matter or thing concerned with the employee's duties to LAEL.

Breach of Policy

Employees are reminded that failure to comply with their responsibilities and obligations as outlined in this policy or abuse of any privilege or benefit provided under this policy may result in termination of the flexible working arrangement and/or disciplinary action, where warranted. This disciplinary action may involve a verbal or written warning or, in serious cases, termination of employment with LAEL.

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Employees who believe that a breach of this policy may have occurred should report the matter to the Resource & Development Manager. Complaints made about breaches of this policy will be treated seriously and managed in accordance with LAEL's Grievance or Complaints Handling Policy.

Conflicts of Interests – scenarios and tips for dealing with a conflict situation

- **Record** - Recording the disclosure of a conflict of interests is an important first step. Inform your direct supervisor in writing. However, this does not resolve the conflict. You must also record how you dealt with the conflict.
- **Restrict** - It may be appropriate for you to restrict your involvement in the matter. For example, refrain from taking part in the recruitment process, or restrict access to information relating to the conflict of interest.
- **Recruit** - If it is not practical for you to restrict your involvement, an independent third party, agreed to in writing by your supervisor, may need to be engaged to participate in, oversee or review the decision-making process.
- **Remove** - Removing yourself from any involvement in the matter altogether is the best option when other strategies do not remedy the situation.
- **Relinquish** - You can choose to relinquish the personal or private interests ensuring there is no conflict with your public duty. This may be the relinquishing of private association or investment with a business or membership of a club or association.
- **Resignation** - Your resignation may be the only option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.

Contract and Variation

This policy does not impose any contractual obligations on LAEL. This policy does not form any part of an employee's contract of employment or the terms or conditions of an employee's employment. LAEL may, from time to time, amend, revoke or vary this policy in its absolute discretion.