



Department of  
**Education**

# **Conflict of Interest Procedures**

Effective date: 7 November 2023

Version: 1.1

These procedures must be read in conjunction with the Conflict of Interest Policy.

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**These procedures must be read in conjunction with the Conflict of Interest Policy.**

## 1. Policy supported

Conflict of Interest Policy

## 2. Scope

These procedures apply to all employees of the Department.

## 3. Procedures

### 3.1 Employees

All employees of the Department must:

- report to their line manager or another relevant manager all actual, perceived and potential conflicts of interest that arise in any aspect of their duty, role or function as an employee of the Department
- properly manage all actual, perceived and potential conflicts of interest
- report all actual, perceived and potential conflicts of interest, other than recruitment conflicts, using the Report a conflict of interest form
- prior to undertaking secondary or outside employment, obtain approval from the Director Employee Relations
- notify any instance of non-compliance with these procedures to Standards and Integrity Directorate in accordance with the Complaints and Notifications Policy and Framework.

#### **Guidance**

It is not wrong or unethical to have a conflict of interest, what is important is that it is identified, reported and appropriately managed.

Employees are responsible for initiating the reporting and registering of conflicts of interest, and for ensuring that their line manager considers and supports the management of the reported conflicts.

Failure to report and manage a conflict of interest is a breach of discipline and may also amount to misconduct.

Employees working at multiple sites should report and register conflict of interests with their line manager at their main work site and provide confirmation of the registration to their line manager at other Department sites where the conflict of interest is relevant.

**Another relevant manager** is another manager in the area where the employee works or the manager of the employee's line manager.

#### **Gifts and Benefits**

Refer to the [Gifts, Benefits and Hospitality Policy and Procedures](#) for information on when a declaration form for a gift or benefit is required. Any actual, potential, or perceived conflict of interest should be central to determining how to respond to such offers.

### **3.1.1 Recruitment**

All employees of the Department must:

- report and register all actual, perceived and potential conflicts of interest relating to recruitment processes in the relevant recruitment documentation and manage appropriately
- record the management strategy for the reported conflict of interest relating to recruitment processes in the relevant recruitment documentation
- confirm the management of the conflict of interest in recruitment processes is consistent with the [Public Sector Commission Public Sector Standards in Human Resource Management](#).

### **3.1.2 Procurement**

All employees of the Department must:

- report, register and manage all actual, perceived and potential conflicts of interest relating to procurement in accordance with the Department's [Procurement Administrative Schedule](#) and the [Western Australian Procurement Rules](#)
- report all actual, perceived and potential conflicts of interest, other than recruitment conflicts, using the [Report a conflict of interest form](#).

## **3.2 Principals and Line Managers**

All principals and line managers must:

- confirm all employees are aware of their responsibilities under these procedures
- implement strategies to appropriately manage all actual, perceived and potential conflicts of interest reported by employees or that they otherwise become aware of or suspect

- monitor implementation and compliance with conflict of interest management strategies
- confirm all employees known to be engaged in secondary or outside employment have obtained Departmental permission to do so and have reported and registered a conflict of interest
- register the management of a conflict of interest including mitigation strategies that are discussed and implemented with the reporting employee
- notify any instance of non-compliance with these procedures to Standards and Integrity Directorate in accordance with the [Complaints and Notifications Policy and Framework](#).

### Guidance

Principals and line managers are not required to manage every conflict of interest only those related to their direct reports. However, they can instruct staff to inform them of reported conflicts of interest or to keep records in a central location.

The Public Sector Commission provides guidance on managing conflicts of interest. Refer to the [Conflicts of Interest Guidelines for WA public sector](#).

Further information on managing conflicts of interest is available on [Ikon](#) (staff only) that covers the following processes:

- Respond to a conflict of interest
- Manage a conflict of interest
- Register a conflict of interest
- Review a conflict of interest

Conflict of interest management decisions and strategies are recorded in the [Department's Conflicts of Interest Register](#) report a [Conflict of Interest form](#).

## 3.3 Deputy Directors General, Executive Directors and Directors of Education

All Deputy Directors General, Executive Directors and Directors of Education must:

- confirm principals, directors and staff under their line management are aware of their responsibilities under these procedures
- implement strategies to appropriately manage all actual, perceived and potential conflicts of interest reported by principals, directors and staff under their line management or that they otherwise become aware of or suspect

- confirm all principals, directors and staff under their line management known to be engaged in secondary or outside employment have obtained Departmental permission to do so and have reported and registered a conflict of interest
- notify any instance of non-compliance with these procedures to Standards and Integrity Directorate in accordance with the [Complaints and Notifications Policy and Framework](#).

## 4. Definitions

### Conflict of Interest

A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests.

Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future.

### **Actual conflict of interest**

An actual conflict of interest is a personal interest you or an immediate family member or friend have that could influence your decisions, actions or advice in the course of your public duty.

### **Perceived conflict of interest**

Perceived conflict of interest is when you or an immediate family member or close friend have a personal interest or an association with a person that you know will not influence your decisions, actions or advice in your public duty, but others may think it will.

### **Potential conflict of interest**

Potential conflict of interest is when you or an immediate family member or friend may, in the future, develop a personal interest related to your decisions, actions or advice associated with your public duty.

#### **Guidance**

Perception of a conflict of interest is important to consider because public confidence in the integrity of an organisation is vital.

A perceived conflict of interest could exist in various circumstances such as a recruitment process where a member of the panel is known to the successful applicant. It is very important to report, register and manage any perceived conflict of interest. In this example the panel member is expected to have reported the conflict in the selection report and the report should demonstrate how the conflict was managed.

A potential conflict of interest may not always be apparent to you, but when it becomes apparent, you are required to report, register and manage the conflict of interest.

In the circumstance where a complaint is made about the conduct of a staff member and that staff member has or had a personal relationship with their line manager, the line manager's senior manager should be involved in managing the complaint and documenting how it was addressed.

Volunteer activities can be a conflict of interest in some circumstances.

## Secondary or outside employment

Secondary or outside employment includes operating any business or engaging in any commercial enterprise. It can include working for another employer or self-employment. It includes operating a business, corporation, incorporated association or incorporated body. Operating a hobby farm for commercial gain or a property that is advertised for short-term rental is a business or commercial enterprise. Secondary or outside employment does not include a long-term rental property.

### Guidance

Secondary or outside employment is a conflict of interest that must be reported, registered and managed in accordance with this policy and procedures in addition to obtaining approval from the Director Employee Relations. Further information on seeking approval for secondary or outside employment is available on Ikon (staff only).

All staff engaging in tutoring activities (paid or unpaid) not associated with their role or functions of employment must report and register a conflict of interest and have prior approval for secondary or outside employment.

Self-managed superannuation funds could be a conflict of interest and also considered to be secondary employment. Refer to [Public Sector Commissioner's Circular 2012-12](#).

## 5. Related documents

### Relevant Legislation or Authority



[Commissioner's Instruction No. 7: Code of Ethics](#)

[Corruption, Crime and Misconduct Act 2003 \(WA\)](#)

[Criminal Code Act Compilation Act 1913 \(WA\)](#)

[Financial Administration and Audit Act 1985](#)

[Public Sector Management Act 1994 \(WA\)](#)

[Public Interest Disclosure Act 2003 \(WA\)](#)

[School Education Act 1999 \(WA\)](#)

[School Education Regulations 2000 \(WA\)](#)

[School Education \(Student Residential Colleges\) Regulations 2017 \(WA\)](#)

[State Records Act 2000 \(WA\)](#)

[Teacher Registration Act 2012 \(WA\)](#)

## **Related Department Policies**

[Acceptance and Provision of Gifts Policy](#)

[Bullying in the Workplace Policy](#)

[Community Use of Public School Facilities Policy](#)

[Councils and Boards in Public Schools Policy](#)

[Employee Performance Policy](#)

[Enrolment in Public Schools Policy](#)

[Expenditure on Hospitality Policy](#)

[Incoming Sponsorship to Public Schools Policy](#)

[Intellectual Property Policy](#)

[Official Travel Policy](#)

[Private Tutors in Public Schools Policy](#)

[Records Management Policy](#)

[Recruitment, Selection and Appointment Policy](#)

[Staff Conduct and Discipline Policy](#)

## **Other Documents**

[Aboriginal Cultural Standards Framework](#)

[Code of Conduct and Standards \(staff only\)](#)

[Government Manual for WA Government Boards and Committees](#)

[Grievance Framework](#)

[Managing a Breach of the Public Sector Standard Claims Framework](#)

[Procurement Administrative Schedule](#)

## 6. Contact information

### Policy manager:

Director, Standards and Integrity Directorate

### Policy contact officer:

Manager, Complaints, Integrity and Education, Standards and Integrity Directorate

Standards and Integrity Directorate

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## 7. History of changes

<b>Effective date</b>	8 November 2022
<b>Last update date Procedure version no.</b>	1.0
<b>Notes</b>	The Conflict of Interest Procedures were endorsed by the Director General on 14/7/22. D22/0539073
<b>Effective date</b>	7 November 2023
<b>Last update date Procedure version no.</b>	1.1
<b>Notes</b>	Updated with major changes. Signed by the Director General on 27 October 2023 D23/0015852

## 8. More information

### Supporting content

#### Policy

[Conflict of Interest Policy](#)

### Procedure review date

7 November 2026

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