

# Conflicts of Interest Policy

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<b>Version</b>	1	<b>Policy Section</b>	Governance
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## Purpose

Public trust and confidence in NZIST depends upon our ability to be impartial in all decision making. This means everyone working at NZIST needs to use a high standard of judgement when declaring and managing conflicts of interest.

This policy sets out NZIST requirements for identifying and managing conflicts of interest.

## Scope

This policy applies to all NZIST Council members, employees (permanent, fixed term, casual and temporary), secondees and to all contractors and consultants. This policy supplements the Council Code of Conduct and NZIST Code of Conduct. This policy outlines the process to be followed when any person covered by this policy has a conflict of interest.

## Principles and Expectations

### What is a Conflict of Interest?

A conflict of interest is any situation where your independence, objectivity or impartiality could potentially be doubted or challenged. A conflict of interest can happen when your official duties and your personal interests or responsibilities overlap. These may include financial involvements and/or relate to family, friends, acquaintances or other personal commitments or responsibilities.

A conflict can be:

Actual	A conflict exists now between your official duties and your personal interests or responsibilities.
Potential	A conflict could happen or is about to happen.
Perceived	A situation where other people might reasonably think a conflict exists.

It is important to understand that the existence of a conflict of interest does not necessarily imply wrongdoing on the part of any person. However, any interest which either does, or could, give rise to a conflict of interest must be disclosed to NZIST.

To protect the reputation of NZIST, its subsidiaries and the wider education sector, and to protect NZIST's relationships with our stakeholders, Government Ministers, students and the public, you must also:

- Carry out your work with honesty, integrity, impartiality, fairness, and trustworthiness, and ensure personal interests and responsibilities don't affect your ability to do this.

- Avoid situations in which your personal interests' conflict, or could appear to conflict, with the interests of NZIST.
- Ensure that your actions do not give anyone reason to question the fairness and transparency of our decision making.
- Tell your manager immediately if your role involves monitoring performance of a NZIST supplier, contractor or consultant who you are currently discussing potential engagement or employment with.
- Not employ a family member or other related party (any person who has a relevant personal relationship with you) as your direct report or in any other situation which could cause a conflict of interest.
- In accordance with the requirements set out below, seek approval from NZIST for any other employment, contracts or assignments (paid or unpaid) outside of your official duties at NZIST and advise NZIST of any potential impacts on NZIST, prior to entering into such an arrangement.

### **Council members' obligations under the Education Act**

Council members who have an interest in a matter being considered or about to be considered by the Council, must disclose the nature of the interest at a Council meeting, as soon as possible after the relevant facts have come to the Council member's knowledge, in accordance with section 175 of the Education Act 1989.

For the purposes of that section, a person has an interest in a matter if, and only if, the matter relates to the conditions of service of the person as the chief executive or a member of the staff of NZIST or the person has any other direct or indirect pecuniary interest in the matter.

A disclosure by a Council member must be recorded in the minutes of the meeting.

The Council member must not be present during any deliberation, nor take part in any decision, of the Council with respect to the matter unless the Council otherwise agrees.

Conflicts of interest will be a standing agenda item at all Council meetings.

In addition to the requirements of section 175 of the Education Act, Council members must also disclose any conflicts of interest that would meet the broader definition in this policy in the section above.

### **Secondary Engagements**

You must not accept any other employment, contract or assignment (paid or unpaid) that could give rise to a conflict of interest, unless NZIST agrees to this in writing. Where there is any potential for a conflict of interest, you should raise this with your manager for NZIST to determine whether a conflict exists. Only managers with the appropriate delegation may determine whether a conflict of interest exists.

NZIST may decline to approve the other employment, contract or assignment where it considers there is a conflict of interest. This may include a situation where the employment, contract or assignment is or could become detrimental to NZIST, you, your performance or another employee, contractor or consultant of NZIST.

Where approval is given:

- The impact on you (and your ability to perform work for NZIST) and those with whom you come into contact, will be monitored by NZIST.
- The arrangement will be reviewed at least annually, when circumstances change or at NZIST's sole discretion. You must actively participate and engage in this review to enable NZIST to assess what impact, if any, the arrangement is having on NZIST, you or those you come into contact within the course of performing your duties.
- You must seek further approval prior to any change to the approved arrangement or a new arrangement commencing.

Council members are not permitted to undertake consultancies for NZIST in accordance with the Fees Framework (see the Council Fees and Expenses Guide).

## **Making a Disclosure**

To disclose a conflict of interest or potential conflict of interest, you must complete and submit a Conflict of Interest declaration. This form is set out in Attachment 1 to this Conflict of Interest Policy. Once completed, the declaration must be provided to:

- the Chief Executive and copied to your manager, in the case of employees (permanent, fixed term, casual and temporary), secondees and contractors and consultants; and
- the Council, in the case of Council members or the Chief Executive.

A register of interests (the "Interest Register") in the form attached to this Conflict of Interest Policy will be maintained by a person nominated by the Chief Executive as a record of all conflict of interest disclosures.

A Conflict of Interest Declaration must be completed by every Council member, employee, contractor, consultant or other person engaged by NZIST:

- When they start at NZIST.
- Each year, as part of the annual process, even if they don't have a conflict of interest.
- Whenever their personal or work situation changes in a way that would or could create a conflict of interest. If there is any doubt about whether a conflict of interest exists, you must complete and submit a Conflict of Interest Declaration form for NZIST consideration.
- Before becoming involved in a procurement process where the goods or services being procured are valued at \$50,000 or more. In this case, a Confidentiality Agreement will also need to be signed and submitted. For the avoidance of doubt, those "involved in a procurement process" includes:
  - Everyone on the procurement team (staff, contractors, temps and consultants).
  - All members of the evaluation panel.
  - Any consultant asked to advise the procurement team.
  - Anyone involved in making a recommendation.
  - Anyone involved in approving a recommendation or making an important decision.
  - Anyone making a financial approval for the procurement.

## **Management of conflicts of interest**

You must comply with any strategies and monitoring procedures for managing a conflict of interest determined by NZIST.

These may include, without limitation:

- in the case of Council members, not being present during any deliberation, nor taking part in any decision, of the Council with respect to the matter unless the Council otherwise agrees;
- regularly declaring any contact and matters discussed with a particular person or entity;
- signing additional confidentiality undertakings;
- not being involved in a procurement or other project in relation to which a person has a conflict of interest;
- not managing a contract in relation to which a person has a conflict of interest; and
- not exercising delegations in respect of the matter.

The Delegations Policy also contains restrictions on the exercise of delegations where the delegate has a conflict of interest in relation to the matter.

## **Breaches of this policy**

Failure to disclose a conflict of interest or breaches of this policy on the part of an employee or secondee may result in disciplinary action up to and including dismissal without notice. For contractors, the outcome could result in termination of the contract and/or legal action being taken by the NZIST.

