



SA Philosophy in Education Association

Conflict of Interest Policy



1. Purpose

The purpose of this policy is to help executive of **SAPEA** to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of **SAPEA** and manage risk.

2. Objective

The **SAPEA Executive** aims to ensure that executive are aware of their obligation to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of **SAPEA**.

3. Scope

This policy applies to the executive and membership of **SAPEA**.

4. Definition of conflicts of interests

A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the Association.

Personal interests include direct interests, as well as those of family, friends, or other organisations a person may be involved with or have an interest in.

It also includes a conflict between an executive member's duty to **SAPEA** and another duty that the member has (for example, to another organisation). A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the charity.

Therefore these situations must be managed accordingly.

5. Policy

This policy has been developed to address conflicts of interest affecting **SAPEA**.

Conflict of interest are common, and they do not need to present a problem to the association as long as they are openly and effectively managed.

It is the policy of **SAPEA**, as well as a responsibility of the executive, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to **SAPEA**.

SAPEA will manage conflicts of interest by requiring executive member and general members to:

- avoid conflicts of interest where possible

- identify and disclose any conflicts of interest
- carefully manage any conflicts of interest, and
- follow this policy and respond to any breaches.

5.1. Responsibility of the executive

The executive is responsible for:

- establishing a system for identifying, disclosing and managing conflicts of interest across the charity
- monitoring compliance with this policy, and
- reviewing this policy on an annual basis to ensure that the policy is operating effectively.

The association must ensure that its executive are aware of the ACNC governance standards, particularly governance standard 5, and that they disclose any actual or perceived material conflicts of interests as required by governance standard 5.

5.2. Identification and disclosure of conflicts of interest

Once an actual, potential or perceived conflict of interest is identified, it must be reported to the secretary at the outset of a meeting and then recorded by the secretary into **SAPEA's** register of interests.

Where every other executive member shares a conflict, the executive should refer to ACNC Governance Standard 5 to ensure that proper disclosure occurs.

The register of interests must be maintained by **the secretary**. The register must record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

5.3 Confidentiality of disclosures

Disclosures are accessible to executive members in confidence and only where they relate to direct decision making,.

6. Action required to manage conflicts of interest

6.1. Conflicts of interest of executive

Once the conflict of interest has been appropriately disclosed, the board (excluding the board member who has made the disclosure, as well as any other conflicted board member) must decide whether or not those conflicted executive should:

- vote on the matter (this is a minimum),
- participate in any debate, or
- be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a member from regularly participating in discussions, it may be worth the executive considering if it is appropriate for the person conflicted to resign from the executive.

6.2. What should be considered when deciding what action to take;

In deciding what approach to take, the board will consider:

- whether the conflict needs to be avoided or simply documented
- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
- alternative options to avoid the conflict
- the association's objects and resources, and

- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the association.

The approval of any action requires the agreement of at least a majority of the executive (excluding any conflicted member/s) who are present and voting at the meeting.

The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests.

7. Compliance with this policy

If the executive has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interest, the executive may take action against them. This may include seeking to terminate their relationship with the association.

If a person suspects that a board member has failed to disclose a conflict of interest, they must report this fact to the Chair

8. Administering this plan

This plan will be reviewed every two years. The next review will be on 1 November 2021.

Contact

For questions about this policy, contact the executive on;

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