

# Yarram Early Learning Conflict of Interest Policy

Quality Area 7 – Leadership and Service Management

## **PURPOSE**

This policy provides a framework for identifying and managing any actual or potential conflict of interest that may arise at Yarram Early Learning Incorporated.

## **POLICY STATEMENT**

### **VALUES**

Yarram Early Learning Incorporated (YELI) is committed to:

- Maintaining a Conflict of Interest Policy requiring the timely disclosure of any actual or potential conflict of interest by all of the YELI Organisation's officers, board members, employees, agents, volunteers and subcontractors.
- Taking all reasonable steps to ensure that actual or potential conflict of interest matters are identified and handled professionally and in a timely manner.

### **SCOPE**

This policy applies to the YELI Organisation's Officers, board members, Approved Provider, Nominated Supervisor, Responsible Person, Educators, other staff, students on placement, volunteers and subcontractors at Yarram Early Learning.

## **BACKGROUND AND LEGISLATION**

### **Background**

YELI recognises that in a remote, rural community board members, staff and all others involved in the organisation may either have existing relationships (social, personal, marriage, other or genetic connections) with others in the service/organisation, or may develop these. Further to this, YELI officers, employees, volunteers and subcontractors may also wear several community 'hats' and hold positions on various community organisations. This may increase the risk of a conflict of interest arising at the centre.

Conflicts of interest can arise at all levels of the YELI organisation and in every work area. Conflict of Interest is about transparency. All YELI officers, employees and others must be transparent in their dealings. That is; they must be clear that their private interests are not affecting their public and professional duties.

The potential implications of conflict of interest include damage to the individual person's reputation, as well as damage to the reputation, integrity and trustworthiness of the YELI organisation. YELI officers, employees, volunteers, subcontractors and others are to avoid any behaviour or choices that could potentially signal a conflict of interest.

YELI has prepared this Conflict of Interest Policy to identify what conflict of interest is and how YELI officers, board members, employees and others can identify and best avoid conflict of interest.

## Definition

A conflict of interest arises in the workplace when a YELI officer, employee, volunteer, subcontractor or other has competing interests or loyalties that either are, or can be, at odds with each other.

A conflict of interest causes an employee to experience a struggle between diverging interests, points of view, or allegiances.

Examples of Potential Conflicts of Interest are:

- An employee starts a company that provides similar services to similar clients as those of her full-time employer.
- An employee who is a member of a recruiting panel fails to disclose that he is related to a job candidate whom the company is considering for a position.
- An employee works part-time in the evening for a company that makes a product that competes with the products of his full-time employer.
- An employee accepts free gifts and free products from a training and development company and then recommends the purchase of these products without comparing them to comparable products from other vendors.
- An employee has their children enrolled at the service and works in the same room as the child.

Conflicts of interest are difficult to describe in a definition. Below are some questions that may help a YELI officer, employee or other identify a possible conflict of interest:

1.	Am I, a relative or a member of my household likely to be directly affected by this matter?	Y/N
2.	Is my property, or that of a relative or household member, likely to be directly affected?	Y/N
3.	Am I, or a member of my family likely to gain or lose in any way that can be measured in money?	Y/N
4.	Do I, or a member of my family own shares in a company or body that is likely to be directly affected?	Y/N
5.	Am I, or a member of my family owed money by a person who is likely to be directly affected?	Y/N
6.	Do I, or any member of my family hold a position in a company or body that is likely to be directly affected?	Y/N
7.	Am I, or a member of my family employed by a person, company or body that is likely to be directly affected?	Y/N
8.	Do I, or a member of my family act in a way for a person, company or body that is likely to be directly affected?	Y/N
9.	Have I, or a member of my family previously dealt with this particular matter in any other capacity?	Y/N
10.	Have I, or a member of my family received any gifts in money or otherwise from a person, company or body that is likely to be directly affected?	Y/N
11.	Have I, or any member of my family been involved in any court or tribunal process in relation to this matter?	Y/N

If the answer is 'yes' to any of these questions, the YELI officer should seek advice from their nominated supervisor, Centre Director or Committee.

## **STRATEGIES FOR IMPLEMENTATION**

Where a YELI officer, employee or other party identify that they themselves may be affected by a conflict of interest; that officer, employee or other must declare that they have a potential conflict of interest and immediately remove himself or herself from the potential conflict of interest situation. This includes physically removing themselves from a room where a discussion is occurring on which there is a conflict. The individual is encouraged to seek advice from their Nominated supervisor, Responsible Person, Centre Director or Committee.

### ***The Approved Provider is responsible for:***

- Approving and Maintaining

### ***The Nominated Supervisor is responsible for:***

- Maintaining and implementing this policy.

### ***The Employee is responsible for:***

- Ensuring they do not have a conflict of interest on matters which arise, in line with centre procedures.
- Advising the Nominated Supervisor of any real or potential conflict of interest matter as soon as practicable.

## **SOURCES AND RELATED POLICIES**

This policy should be read in conjunction with the Code of Conduct Policy.

## **PROCEDURES**

YELI officers, employees, agents, volunteers, subcontractors and others are to notify the nominated supervisor or Centre Director as soon as they become aware that they may be compromised by a potential conflict of interest.

Reports of undisclosed potential conflicts of interest will be taken seriously. These will be investigated by a member of the management team and/ or a member of the YELI committee of management as deemed appropriate.

## **EVALUATION**

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness.
- Keep the policy up to date with current legislation, research, policy and best practice.
- Revise the policy and procedures as part of the service's policy review cycle, or as required.
- Notify all relevant stakeholders (parents, staff, suppliers etc.) at least 14 days before making any changes to this policy or its procedures.

## **ATTACHMENTS**

Attachment 1: Warning Letter

## **AUTHORISATION**

This policy was adopted by Yarram Early Learning Incorporated in October 2020

**REVIEW DATE:** October 2022



<Date>

**Private and confidential**

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

**Warning letter**

I am writing to you about your conduct during your employment with Yarram Early Learning.

On <insert date> you met with <insert name of others at the meeting>. At this meeting you were advised that you had breached <relevant breach or policy> on <insert date>. In Particular you were advised that <insert explanation of unsatisfactory performance or conduct> and that immediate improvement is required.

In the meeting you were asked if you had anything you wished to say or to respond to the situation and you <insert details of the employee's response or if no response was provided you can note here that the employee 'did not respond'>.

After considering the situation it is expected that your conduct improves and specifically that you do not continue to breach the <relevant breach or policy> or any other YELC policies.

This is your <first/second> warning letter. Your employment may be terminated if your conduct does not improve.

I propose that we meet again on <insert date> to review your progress. Please let me know if this time is convenient to you. If you wish to respond to this formal warning letter please do so by contacting me on 51825190 or by replying in writing.

Regards,

Cathy Gay – Director  
Yarram Early Learning Centre