Conflict of interest declaration and management plan form for employees

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## About this form

Drafting note: Your organisation can adapt this form to suit its specific needs. For example, if your organisation’s establishing Act or Terms of reference uses different definitions and/or terminology adapt the model policy and this form accordingly.

### Conflict of interest policy

As an employee, you must comply with our conflict of interest policy.

Drafting note: Link to your organisation’s policy.

It applies to:

* our employees
* contractors, consultants and labour hire employees who are required as part of their contracts to comply.

Drafting note: If your organisation’s conflict of interest policy applies to any other workplace participants, add them in here – for example ‘other workplace participants, including Xs, Ys, and Zs’).

For ease of reading, in this form we use the term ‘employee’ to cover anyone the policy applies to (above), regardless of their employment or engagement status.

### When you must complete this form

The full list of when you must complete this form is set out in Part B of the form.

Drafting note: Link to this part in your organisation’s form.

Some examples are:

* you have a conflict of interest (actual, potential or perceived)
* as a precautionary measure in certain circumstances
* you are directed to do so by your manager
* you recently completed a Declaration of private interests (DOPI) form which showed a conflict of interest.

Drafting note: Some organisations have a different process for recording conflicts identified in a DOPI.

### Purpose of this form

#### This form – all employees

This form is for use by all employees, as set out in Part B.

Its main purpose is for you to declare any conflict of interest you have (actual, potential or perceived), so that our organisation can develop and record a plan to manage the conflict in the public interest.

In certain circumstances, you must also complete the form as a precaution, even if no conflict of interest exists. It provides a record that due consideration has been given to the matter.

#### DOPI form - some employees only

This form is different to a ‘DOPI’ form - which requires a small percentage of employees (mainly executives and financial delegates) to routinely declare certain private interests, such as real estate.

For further information see our conflict of interest policy.

Drafting note: Link to your organisation’s policy.

### Definitions to use

These definitions are reproduced from our organisation’s Conflict of interest policy.

Drafting note: Link to your organisation’s policy. If the definitions in your organisation’s policy vary from those below, adapt this form accordingly.

#### Conflict of interest

A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties.

A conflict of interest can be:

* **Actual** – there is a conflict between your private interests and public duties
* **Potential** – you have a private interest that could foreseeably conflict with your public duties in the future.
* **Perceived** – it is reasonable for people to believe your private interests could influence your public duties, now or in the future.

##### Conflict of duty

A conflict of duty (sometimes called a conflict of role) is a type of conflict of interest. It is a conflict between your public duties and your duty to another organisation or group.

#### Private interests

A private interest can be financial or non-financial. It can be direct or indirect.

* **Direct** – your own interests.
* **Indirect** – the interests of another person or group that you:
	+ are or were recently closely associated with, or
	+ have an enduring (ongoing) interest in.

For further information see ‘Examples of private interests’ in the Conflict of interest policy.

Drafting note: Link to this item in your organisation’s policy.

### Useful questions to help identify a conflict

To help identify a conflict of interest, some useful questions are:

* Does my private interest intersect with my role? If so, could this create a perception of bias or favouritism in the exercise of my duties?
* What would a fair-minded member of the public make of the situation?
* Could my involvement in this matter cast doubt on my integrity or that of the organisation?
* If I saw someone else in this situation, would I think they have a conflict of interest?
* If my actions were covered by the media, could it embarrass me or the organisation?
* In other words, does it pass the public perception test (the ‘pub test’)?

### Filling in the form

Take these steps:

* employee – complete Parts A, B and E.
* manager – complete Parts C and D, E and F.

Follows the instructions. Answer every question. If you need more room to answer:

* keep typing, we don’t mind if the page layout changes
* if you’re filling in the form by hand, you can note on it that you are attaching more information on a separate sheet.

### Who to ask for advice about this form

If you’re unsure whether you must complete this form or you need advice on conflicts of interest, ask:

* your manager or an executive of your branch

Drafting note: Insert at least one other from your organisation’s policy, such as human resources manager, conflict of interest officer or similar.

Drafting note: Insert generic email if possible.

### After the form is completed

After this form is completed:

* the line manager or project manager, such as chair panel, provides the completed form as an official record to…

Drafting note: Insert – for example, Human Resources. – and include email.

* the manager and the employee each keep a copy
* the form is stored in a restricted folder on the organisation’s content management system.

For more information on collection and use of your private information see Appendix 1.

## Part A – Employee and manager details

This part of the form is to be completed by the employee.

|  |  |
| --- | --- |
| Employee details | [Insert below] |
| **Name** |  |
| **Position title** |  |
| **Phone** |  |
| **Email** |  |
| **Financial delegation** | No [ ]  or Yes [ ]  for $ ………………….....…,000. [insert $ amount] |

The responsible manager (below) is the manager who is responsible for signing this form to:

* determine whether a conflict of interest exists
* if a conflict exists, to approve a management plan.

Usually, this will be the employee’s line manager. But it may be the manager of a project or activity the employee is taking part in – for example, the chair of a panel the employee is a member of.

|  |  |
| --- | --- |
| Responsible manager  | [Insert below] |
| **Name** |  |
| **Position title** |  |
| **Phone**  |  |
| **Email** |  |
| **Is the responsible manager the line manger?** | Yes [ ]  No [ ]   |
| **If no, in what capacity are they the responsible manager?** **For example:*** **chair of selection panel**
* **chair of procurement panel**
 |  |

If the responsible manager is not the line manager, it can sometimes be appropriate to consult the line manager in the development of a management plan and/or make them aware of it. When in doubt, check with [insert]

Drafting note: insert for example, the Integrity officer.

|  |  |
| --- | --- |
| Line manager details | [Insert ‘as above’ or provide details below] |
| **Name, position title, phone, email** |  |

## Part B – Employee’s reason for using form

This part of the form is to be completed by the employee.

1. Reason for completing this form

As an employee, I am filling out this form because:

1. [ ]  Conflict of interest has been identified
2. [ ]  Declarable association
3. [ ]  Consensual personal relationship
4. [ ]  Procurement panel, tendering or contract management
5. [ ]  Recruitment and selection panel
6. Outside employment
7. [ ]  Before beginning
8. [ ]  Identified a conflict
9. Political candidates and office bearers
10. [ ]  Official office bearer in a political party
11. [ ]  Standing for election – state or local
12. [ ]  Declaration of Private Interests (DOPI) form identifies a conflict
13. [ ]  Directed by your manager

Detailed explanations are available below for each situation.

1. Conflict of interest

I have identified a conflict of interest (actual, potential or perceived) between my private interests and my public duties.

##### Note

The following information can assist you to decide if a conflict of interest exists.

##### Definition

A conflict exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties.

##### Examples

For example, a conflict with a financial interest, personal relationship, duty to another organisation, or other private interest.

For details, see item 3 (definition); item 4 (examples of private interests) and item 5 (examples of conflicts of interest) in the conflict of interest policy.

Drafting note: Adapt the above information if it differs from your organisation’s policy.

##### Useful questions to ask yourself

To help identify a conflict of interest, some useful questions are:

* Does my private interest intersect with my role? If so, could this create a perception of bias or favouritism in the exercise of my duties?
* What would a fair-minded member of the public make of the situation?
* Could my involvement in this matter cast doubt on my integrity or that of the organisation?
* If I saw someone else in this situation, would I think they have a conflict of interest?
* If my actions were covered by the media, could it embarrass me or the organisation?
* In other words, does it pass the public perception test - the ‘pub’ test?

##### More information

For more information see the conflict of interest guidance issued by the Victorian Public Sector Commission (VPSC) on ‘[Key things to know and do](https://vpsc.vic.gov.au/ethics-behaviours-culture/conflict-of-interest/key-things-to-know-and-do/)’.

Drafting note: Your organisation can also add a link to its own policy and guidance.

1. Consensual personal relationship

I am engaged in a consensual personal relationship with another employee of the organisation and:

* a direct hierarchical relationship exists, or
* no direct hierarchical relationship exists but a conflict has arisen.

For information on this topic see and follow the [guidance issued the VPSC](https://vpsc.vic.gov.au/ethics-behaviours-culture/conflict-of-interest/additional-guidance-that-applies-to-some-employees/consenual-personal-relationships/).

Drafting note: Your organisation can choose to set stricter requirements in its conflict of interest policy about consensual personal relationships between employees.

1. Declarable association

I have a current or recent association with a person, group or organisation that l am aware or should reasonably suspect of being involved in serious unlawful activity, now or in the past. Such relationship is declarable if a conflict of interest exists (actual, potential or perceived).

I am completing the form because a conflict of interest exists.

For information on this topic see and follow the [VPSC guidance on this topic](https://vpsc.vic.gov.au/ethics-behaviours-culture/conflict-of-interest/additional-guidance-that-applies-to-some-employees/declarable-associations-and-conflict-of-interest/).

Drafting note: If your organisation has a different requirement in its policy, reflect this here – for example, some organisations require the association to be declared even if no conflict of interest exists.
A stricter requirement is more likely to occur if an organisation is vulnerable in this area due to its functions or operating environment.

1. Procurement panel, tendering or contract management

I am on a procurement panel or part of another procurement, tendering or contract management activity, or part of approving any such activities or decisions, and:

* I have a conflict of interest, or
* our Procurement policy requires me to do so – for example, to confirm l do not have a conflict.

Drafting note: If any other reasons exist in the policy, also list them here.

This requirement applies to all employees, not just decision makers and financial delegates.

For more information see our Procurement policy.

Drafting note: Link to your organisation’s policy.

1. Recruitment and selection panel

I am on a recruitment and selection panel or am part of approving its decision.

I am completing the form to:

* declare a conflict of interest, or
* confirm I do not have a conflict.

For information on this topic see our recruitment and selection policy.

Drafting note: Link to your organisation’s policy.

Drafting note: If your organisation does not require all panel members to complete a Declaration and Management Plan form prior to the selection process, adapt this form accordingly.

1. Outside employment

##### Before beginning

I intend to engage in other paid employment or carry on a business, trade or profession. I am completing the form to:

• declare a conflict of interest, or

• confirm l do not have a conflict.

##### Identified a conflict

I am engaged in outside employment in accordance with the organisation’s Outside employment policy, but a conflict of interest has now arisen.

Drafting note: Your organisation can adapt these requirements to suits its policy.

For more information see our organisation’s Outside employment policy and speak with your manger.

Drafting note: Link to your organisation’s policy.

##### Volunteering

Note: if a conflict of interest arises in relation to voluntary work, declare it above under ‘Conflict of interest has been identified’.

Drafting note: Your organisation can adapt these requirements to suits its policy.

1. Political candidates and office bearers

##### Being an official office bearer in a political party

I am official office bearer in a political party. I am completing this form to:

* declare a conflict of interest, or
* confirm I do not have a conflict.

##### Standing for election – state or local government

I am standing as a candidate in a state or local government election. I am completing this form to:

* declare a conflict of interest, or
* confirm l do not have a conflict.

For more information, see and follow the [VPSC’s Guide for employees during election periods](https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct/guidance-during-election-periods/guide-for-employees-during-election-periods/#heading3). The guide also has important information about standing for federal election.

1. Declaration of Private Interests (DOPI) form has identified a conflict

I have been directed to complete this form because a conflict of interest was identified on a Declaration of Private Interests (DOPI) form l recently submitted.

Drafting note: Link to your organisation’s DOPI form.

Drafting note: If your organisation’s policy has a different process for conflicts of interest identified through the DOPI process adapt this form accordingly.

1. Directed by your manager

I am completing this Conflict of interest declaration and management plan form because l have been directed to do so by my manager.

For example, as a precaution due to the high risk of a conflict of interest inherent in a work task or a private interest.

1. Details of my reasons for ticking the above box

Employee to complete

Insert details of why you ticked the above box(es) in [Part B, section 1](#_Part_B_–).

Use the space provided below at the end of the following examples.

To assist you in providing details, we have included some [examples](#_Examples_to_help) below.

|  |  |
| --- | --- |
| **Employee to provide details for completing this declaration** | **[Insert below]** |
| **Details****Use as much room as needed.** |  |

Some examples that may assist you to fill in the above section include:

1. Example wording - Conflict identified

‘My private interest is XXX. It conflicts with my public duties because …’

1. Example wording - Declarable association

‘I have a declarable association.

My father, AB, is a member of XXX gang. He was recently charged with indictable offences relating to serious violence and drugs.

I have a conflict of interest. The relationship could reasonably be seen as having the potential to influence how l perform my public duties. This is because my work involves developing policy to reduce the use of illegal drugs in the community.’

1. Example wording - Consensual personal relationship

‘I have a consensual personal relationship with another employee, AB. It is a conflict of interest because there is a direct hierarchical relationship, which is that ….’

OR

‘I have a consensual personal relationship with another employee, AB. There is no direct hierarchical relationship but a conflict of interest has arisen because ….

1. Example wording - Procurement, tendering or contract management

‘l am a member of procurement panel XYZ. Consistent with our organisation’s Procurement policy, l confirm that l do not have a private interest in any tenderer or bid.’

OR

‘l am a member of procurement panel XYZ. I have a conflict of interest because I am a former employee of firm B that is tendering.’

1. Example wording - Recruitment and selection panel

‘I am a panel member for the recruitment of position no. PQR. Applicant A works in my team. I have a perceived conflict of interest.’

OR

‘I am a panel member for the recruitment of position no. PQR. I have no conflict of interest as a panel member.

1. Example wording - Outside employment

‘I intend to undertake outside employment consistent with the Outside employment policy. I confirm that l do not have a conflict of interest between my public duties and my proposed outside employment, which relates to…’

OR

‘I am currently engaged in outside employment consistent with the Outside employment policy. But a conflict of interest has arisen because …’

1. Example wording - Political candidates and office bearers

‘I intend to enrol as a candidate in the forthcoming state [or local government] election’

OR

‘I have been elected as an office bearer (Secretary) to the X party.

1. Example wording - DOPI form identifies a conflict

‘I have been directed to complete this form due to a conflict of interest noted on a DOPI form that l recently submitted, dated XXX. The conflict is that …’

1. Example wording - Directed by my manager

‘My manager directed me to complete this form because I’ll be assessing applications for the XYZ grants program. I’m not aware of having links to any potential applicants, but the grants are highly sought after. I will advise my manager and update this form if the situation changes.’

1. Employee’s assessment

Employee to complete

Tick the box that applies. If unsure, talk with your manager.

Based on my answers provided in [Part B, section 1 and Part B section 2](#_Part_B_–), my assessment is that:

[ ]  Yes – I have a conflict of interest for the reasons that l have explained above in [Part B, section 2](#_Part_B_–).

[ ]  No – I do not have a conflict of interest (actual, potential or perceived) for the reasons that l have explained above in [Part B, section 2](#_Part_B_–).

## Part C – Manager’s determination

This part of the form is to be completed by the manager.

1. Manager’s determination as to whether a conflict exists

Tick the box that applies and briefly explain your reasons.

Your determination may differ from your employee’s assessment.

[ ]  Yes – The employee has a conflict of interest

[ ]  No – The employee does not have a conflict of interest

|  |  |
| --- | --- |
| Reasons for this determination | [Insert your reasons below] |
| **Details**Use as much room as needed. | I have based this decision on the following reasons. For example, if you are of the opinion that an employee has no conflict of interest:* ‘l agree with the employee’s assessment in [Part B, section 1 to Part B section 3](#_Part_B_–). that no conflict of interest exists.’

For example, if you are of the opinion that an employee has a conflict of interest:* ‘l agree with the employee’s assessment in [Part B, section 1 to Part B, section 3](#_Part_B_–). that a conflict of interest exists.’
* ‘I do not agree with the employee’s assessment in [Part B, section 1 to Part B, section 3](#_Part_B_–) that no conflict exists. In my view, a conflict exists because…..]’

Outline your reasons below |

## Part D – Management plan if a conflict of interest exists

If a conflict of interest exists (as determined by the manager in Part C), the manager then completes Part D of the form in consultation with the employee.

If the manager who is responsible for the development of the plan is not the employee’s line manager, it may be appropriate to also consult the line manager.

### Manager determines the content of the plan

The decision as to what to include in the plan is ultimately the decision of the manager, not the employee.

#### Tips for managers on preparing a management plan

* If you have determined the employee has a conflict of interest, develop a suitable management plan in consultation with them.
* Base the plan on one or more of the key risk mitigation strategies in our organisation’s Conflict of interest policy

Drafting note: Link to your organisation’s policy.

* These will usually be similar to standard strategies recommended by the VPSC: Record and monitor; Restrict; Remove; Recruit; Relinquish or resolve. For details see the [Key risk mitigation strategies](https://vpsc.vic.gov.au/ethics-behaviours-culture/conflict-of-interest/key-risk-mitigation-strategies/) in the VPSC guidance.

#### Consultation with employee

Consult with the employee when developing the management plan.

Drafting note: Insert the following if it is consistent with your organisation’s policy.

As manager, you can choose the extent to which the employee participates in the development of the plan. For example, you can instruct the employee to develop an initial draft of the plan:

#### Remember

A conflict does not automatically exclude the employee from performing the relevant duty. A management plan should be proportionate to the level of risk.

#### Example – recruitment panel

A recruitment panel member has a conflict if they work with an applicant. If the conflict is a perceived conflict that is low risk, a suitable management plan may be to record and monitor the conflict.

#### Guide for managers

The Victorian Public Sector Commission offers a [guide for managers on developing a conflict of interest management plan](https://vpsc.vic.gov.au/ethics-behaviours-culture/conflict-of-interest/developing-a-conflict-of-interest-management-plan-for-an-employee/).

1. Management plan to be implemented

Manager to record plan here – use as much room as needed.

|  |  |
| --- | --- |
| Management plan to be implemented | [Insert below] |
| **Details****Use as much room as needed.** |  |

1. Management plan review schedule

The management plan will be reviewed as follows. Manager to tick one box.

[ ]  Not applicable, as the conflict is of short duration.

[ ]  Every [specify] months

[ ]  Other: [specify]

In addition, the plan will be reviewed if any change occurs that may affect the plan or its risk level.

The employee must advise the manager of any such change they are aware of.

## Part E – Signed declarations

This part of the form is to be completed by both the employee and the manager. The employee signs their declaration first.

The plan is finalised and commences on the date it is signed by the manager.

1. Employee’s declaration
* I declare that to best of my knowledge, the information in this form is complete and correct.
* If l have a conflict of interest, I will:
	+ place the public interest before my private interests
	+ comply with the management plan set out in this form
	+ declare to my manager in writing within 5 working days any change that occurs which may affect the plan or its risk level.

Drafting note: Your organisation can set a different time limit.

* I consent to the information l have provided in this form being shared for the purposes of implementing the organisation’s Conflict of interest policy. It may also be shared with other Victorian Government departments, non-departmental entities and public entities in certain circumstances as prescribed by law.

|  |  |
| --- | --- |
| Signed and dated by the employee | [Insert below] |
| **Signature** |  |
| **Printed name** |  |
| **Date** | Click or tap to enter a date. |

1. Manager’s declaration
* If the employee has a conflict of interest, I will:
	+ oversee the implementation of the management plan set out in Part D of this form, which l hereby approve.
	+ review the plan as set out in this form.
* If no management plan is set out in this form, this is because l am of the view that the employee does not have a conflict of interest.

|  |  |
| --- | --- |
| Signed and dated by the manager | [Insert below] |
| **Signature** |  |
| **Printed name** |  |
| **Date** | Click or tap to enter a date. |

## Part F – Record of reviews and plans

This part of the form is to be completed by the manager.

### How to complete the record

* When an existing plan is reviewed and finalised, record the date below. The review date becomes the date of the current plan.
* Also record the outcome of the review as either:
	+ No change – no change made to plan
	+ New plan – a new plan was developed because changes were made to the previous plan.
	+ Conflict of interest no longer exists – the plan ceases as the conflict no longer exists.
* Lodge the reviewed plan as an official record. Send the employee a copy. Keep a copy yourself.

#### New plan if changes required

Prepare a new plan if there are any updates to the existing plan when it is reviewed.

This ensures that the full details of the earlier plan are preserved for the time period it applies.

To prepare a new plan, copy the existing plan and make any changes on the copy.

The existing plan applies while the new plan is being developed.

The new plan is finalised and commences on the date the manager signs the declaration.

#### When plan finishes

If the conflict of interest itself finishes, also record this below.

### Record of plan history

|  |  |
| --- | --- |
| **Original plan** | **Date** |
|  | Click or tap to enter a date. |

#### Outcome of review

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Review of plan**  | **Date of review** | **No change to plan** | **New plan developed**  | **Conflict of interest no longer exists** |
| Review 01  | Click or tap to enter a date. | [ ]  | [ ]   | [ ]  |
| Review 02  | Click or tap to enter a date. |[ ] [ ]  [ ]  |
| [continue as needed] | Click or tap to enter a date. | [ ]  | [ ]  | [ ]  |

## Appendix 1 - Use of your personal information (Collection notice)

* The purpose of collecting the information required on this form is to provide for the effective management of actual, potential and perceived conflicts of interest, in line with our organisation’s Conflict of interest policy.

Drafting note: Link to your organisation’s policy

* All personal information, including sensitive information, you provide on this form will be treated in accordance with:
	+ the [Privacy and Data Protection Act 2014](https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/030) (Vic)
	+ the [Public Records Act 1973](https://www.legislation.vic.gov.au/in-force/acts/public-records-act-1973/041) (Vic)
	+ the [Charter of Human Rights and Responsibilities Act 2006](https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/015) (Vic).
* By completing this form, you consent to the information you provide being used for the purposes of implementing our organisation’s Conflict of interest policy

Drafting note: Add if applicable: ‘including reporting to the organisation’s Audit and Risk Management Committee’.

* Subject to the provisions of this Notice, the information you provide on this form will be treated confidentially within our organisation. It will only be available to your manager and other relevant employees responsible for ensuring the integrity of our organisation’s activities.
* In certain circumstances, the information you provide on this form may be shared as prescribed by law with other Victorian Government departments, non-departmental entities and public entities, including the Victorian Auditor-General, the Victorian Ombudsman, and the Independent Broad-based Anti-corruption Commission (IBAC).
* Our organisation will store your information securely. If you wish to see your personal information held by our organisation, please contact the Privacy Officer.

Drafting note: Adapt for your organisation and insert email.

* When you provide us with information about other people, we rely on you to make sure it’s accurate and that you’ve told them that you’ve done so.
* If you do not accurately provide us with all the information required on this form it may impact your employment and/or may result in disciplinary action.