

POLICY/PROCEDURE NAME & REVIEW PROCESS	CONFLICT of INTEREST POLICY This policy has been created to provide our stakeholders with clear guidelines and transparency to our practices and procedures. We welcome feedback and input from all our stakeholders at any time and this policy is subject to review based on feedback or due date of annual review.
NATIONAL QUALITY STANDARD	QUALITY AREA 7 GOVERNANCE AND LEADERSHIP 7.1 GOVERNANCE 7.1.2 Management systems. 7.1.3 Roles and responsibilities. 7.2 LEADERSHIP 7.2.3 Development of professionals
NATIONAL LAW AND REGULATIONS	168-Education and care service must have policies and procedure 170-Policies and procedures to be followed 171-Policies and procedures to be kept available 172- Notification of change to policies or procedures
RELATED POLICIES and RECORDS	<ul style="list-style-type: none"> Conflict of Interest register record Privacy and Confidentiality policy
SCOPE OF POLICY	This policy applies to all children, educators, families, management, students, volunteers and visitors at our service.
AIM OF POLICY	To ensure that our service has strong guidelines, procedures, and practices in place regarding conflict of interest for all staff and management of the service. Our aim is to provide a clear policy, implement the policy, support practices relating to the policy, train staff regarding the policy and maintain and update the compliance of the policy for all our stakeholders.
SERVICE IMPLEMENTATION	<p>The purpose of this policy is for all staff members to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of the service and to allow management to mitigate risk.</p> <p>Definition of conflicts of interests</p> <ul style="list-style-type: none"> A conflict of interest occurs when a person's personal interests' conflict with their responsibility to act in the best interests of the service. At times, these interests may even undermine or disadvantage the business or organisation. These conflicts are inevitable and can occur at any level of the business – whether the individual is a permanent employee (full-time and part-time), casual employee or director. A conflict of interest arises where your private interests could improperly influence, or be seen to influence, your decisions or actions in the performance or application of your role. 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. 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 decide based on, or affected by, these influences, rather than in the best interests of the service. Therefore, these situations must be managed accordingly. <p>Actual conflict This occurs where there is a real clash between an employee's personal interests and the best interests of the business. <i>Example the service has expanded, and a position has been advertised however, the nominated supervisor employs their cousin without undertaking a competitive and formal selection process.</i></p> <p>Potential conflict Potential conflicts happen in cases where there is no actual conflict right now, but it is foreseeable that a conflict of interest may arise in the future. <i>Example: you may have a friend about to open or buy a service and you could be of value to them to disclose information.</i></p> <p>Perceived conflict Perceived conflicts of interest arise where there is no actual or potential conflict, however it would be reasonable for someone else to think that a conflict does indeed exist. As such, identifying and dealing with these types of conflict can sometimes be slightly more difficult. <i>Example: A friend of your relative applies for a role at the service and is successful in landing the role, however you played no role in the hiring decision.</i></p> <p>Conflict of duty</p>

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- A conflict of duty generally arises in situations where a person has to fulfil two or more roles that are incompatible or clash with each other. *Example: You may be working at two services but haven't disclosed to either that you are working at the competitor.*
- This policy has been developed to address conflicts of interest that may potentially affect the service in relation to the handling of government funding, application of funds and administration of funding or sharing of private and or confidential matters relating to the service.
- Conflict of interest are common, and they do not need to present a problem to the service as long as they are openly and effectively managed.
- It is the responsibility of the approved provider of the service, as well as responsibility of all staff members no matter what role, 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 the service.

Approved provider will manage conflicts of interest by:

- Avoiding conflicts of interest where possible.
- Ensure staff can identify and comfortably disclose any conflicts of interest.
- When aware of any conflicts, carefully manage them.
- Ensure all staff are aware of recording any conflicts of interest on the **conflict of interest register record**.
- Establish a system for identifying, disclosing and managing conflicts of interest across all services.
- monitoring compliance relating to the policy.
- Review this policy on an annual basis to ensure that the policy is operating effectively.

Procedure for disclosure

The approved provider must ensure that its staff members are aware of what is a conflict of interest and the process of disclosing any actual or perceived material conflicts of interests.

- **Identification and disclosure of conflicts of interest** - Once an actual, potential or perceived conflict of interest is identified, it must be made known to the approved provider. The information passed onto the approved provider must record information on a **conflict of interest register record** including the nature and extent of the conflict of interest and any steps taken to address it.
- **Confidentiality of disclosures**-All disclosure of conflict must remain private, confidential, and only be discussed with approved provider.
- **Action required to manage conflicts of interest**-Once the conflict of interest has been appropriately disclosed, the approved provider must decide what course will be followed. In some cases, performance management will ensue or staff members role at the service may be under threat of termination.
- **Compliance with this policy** -If a staff member fails to disclose a conflict of interest, the approved provider may take further action against them. In some cases, performance management will ensue or staff members role at the service may be under threat of termination. It is therefore the duty of all staff members of the service to understand conflict of interest, why they must disclose it and the outcome for failure to disclose or to act in a fraudulent manner against the service.

Each member of the team plays an important role in the implementation of each policies guidelines, and they are outlined as below but not limited to the following:

The Approved Provider

- Aims to ensure that all management and staff members 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 the service.
- Will ensure that obligations under the Education and Care Services National Law and National Regulations are met.
- Ensure they take reasonable steps to ensure that the nominated supervisor, educators, staff and volunteers follow the policy and procedures.

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	<ul style="list-style-type: none"> ▪ Ensure they provide the nominated supervisor, educators, staff and volunteers the documentation to perform their role, follow policy, procedure, and document according to regulatory and service requirements. ▪ Will ensure that adequate induction process is provided to all staff to ensure they have time to read and understand policies and procedures and seek further information if unsure. ▪ Ensure that the nominated supervisor and staff are equipped with ongoing professional development and training they require to comply with this policy ▪ Will encourage feedback from stakeholders regarding the policy's effectiveness, particularly in relation to identifying and responding to child safety concerns. ▪ Ensure the policy is kept up to date with current legislation, research and best practice. <p>The Nominated Supervisor</p> <ul style="list-style-type: none"> ▪ Will adhere to and implement the obligations under the Education and Care Services National Law and National Regulations. ▪ Ensure they take reasonable steps to ensure that the educators, staff and volunteers follow the policy and procedures. ▪ Ensure they provide the educators, staff and volunteers the documentation to perform their role, follow policy and procedure and ensure they are checking the documentation according to regulatory and service requirements. ▪ Ensure that a rigorous recruitment process is completed, and a thorough induction process is provided to all staff to ensure they have time to read and understand policies and procedures and seek further information if unsure. ▪ Ensure that the staff are supported with ongoing professional development and training they require to comply with this policy. ▪ Will encourage feedback from stakeholders and staff regarding the policy's effectiveness, particularly in relation to identifying and responding to child safety concerns. ▪ Ensure the policy is kept up to date with current legislation, research and best practice. ▪ Conduct regular staff meetings to address policy compliance with legislation, policy implementation, changes to policy and or collect feedback for annual review of policy. <p>Educators</p> <ul style="list-style-type: none"> ▪ Will adhere to and implement the obligations under the Education and Care Services National Law and National Regulations. ▪ Ensure they take reasonable steps to follow the service policy and procedures and seek advice or further support if unsure. ▪ Ensure they complete and document any related records regarding the implementation of this policy and practice requirements of the service. ▪ Will attend any ongoing professional development, staff meetings and training they require to comply with this policy and practice requirements of the service. ▪ Will provide feedback to the nominated supervisor or approved provider regarding the policy's effectiveness, particularly in relation to identifying and responding to child safety concerns. ▪ Will provide feedback regarding policy review when required.
REGULATION IMPLEMENTATION	The following procedures outline and support all stakeholders to understand and implement the regulatory guidelines of this policy.
In regard to regulation 168- Education and care service must have policies and procedures.	<p>Approved Provider will</p> <ul style="list-style-type: none"> ▪ Ensure that obligations under the Education and Care Services National Law and National Regulations are met. ▪ Ensure they take reasonable steps to ensure that the policy and procedures are current, reviewed regularly and communicated to educators, staff and stakeholders. ▪ Take reasonable steps to inform and support educators and staff regarding their responsibilities in implementing the policy and procedures at all times. ▪ Take reasonable steps to ensure that nominated supervisor, educators, staff and volunteers follow the policy and procedures. ▪ Ensure copies of the policy and procedures are readily accessible to nominated supervisor, educators, staff, stakeholders and volunteers and are available for inspection.

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	<ul style="list-style-type: none"> Will notify families at least 14 days before changing the policy or procedures if the changes will: <ul style="list-style-type: none"> Affect the fees charged or the way they are collected or Significantly impact the service's education and care of children or Significantly impact the family's ability to utilise the service. Ensure policies and procedures regarding regulatory requirements are in place at the service. Ensure that a suitable Nominated supervisor is in place and will monitor practices and procedures relating to all policies in the service. Ensure policies and procedures are reviewed at least annually and changes are made if required prior to this review. Ensure all stakeholders are involved in the review. <p>Ensure the service is conducive to a child safe environment and guidelines set out in the policy and procedure are clearly outlined.</p>
In regard to regulation 170- Policies and procedures to be followed.	<p>Approved Provider will</p> <ul style="list-style-type: none"> Ensure that all staff and volunteers are made aware of Regulatory policies and procedures by ensuring that this forms a part of the induction process. Ensure probationary reviews will be conducted once new staff are appointed at the 3- month and 6-month mark to ensure that they are following policy and procedure and to review and revise regulatory policies. Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure and further training and revision of procedural practices in relation to policy and procedure. <p>Ensure annual review and revision of policies and procedures will be conducted, and all educators will be given the opportunity for input.</p>
In regard to Regulation 171- Policies and procedures to be kept available.	<p>Approved Provider will</p> <ul style="list-style-type: none"> Ensure that policies and procedures are available to all staff and the location and availability will form a part of the induction process. Ensure policies will be available on request for all staff members to have access when required. Ensure policies will be available when required for staff members to download copies and/or print out if required in order to complete assignments or to form part of their research and/ or update their knowledge. Ensure policies will be available for all stakeholders when requested and when updating.
In regard to Regulation 172- Notification of change to policies or procedures	<p>Approved Provider will</p> <ul style="list-style-type: none"> Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure, provide further training and allow for input if required in relation to policy and procedure. Ensure stakeholders will be invited to provide feedback for policies and procedures at any time, not just on annual review but will also be invited to add feedback at review time or after an event that may require change to policy or procedure. Policies and procedures will be emailed or put on display in the foyer for stakeholders to have the ability to provide feedback. Feedback will be considered from stakeholders and educators and may result in a change in policy. Policy and procedure may be changed at any time if there has been an incident in the service that has required a change to be implemented for the safety and health of children and or educators. In the event of a change to a policy after feedback or a situation that occurs, we will provide 14 days' notice to all stakeholders before the change takes effect.
KEY TERMS	<ul style="list-style-type: none"> ACECQA – Australian Children's Education and Care Quality Authority. The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources and services to support the sector to improve outcomes for children. Stakeholder - a person or group of people who have an interest in a business, a person such as an employee or customer. They have a sense of responsibility toward it and an interest in its success.
WE GRATEFULLY ACKNOWLEDGE THE	<ul style="list-style-type: none"> Australian Children's Education & Care Quality Authority. ACECQA- https://www.acecqa.gov.au/assessment/review/second-tier/panel/conflict-of-interest-policy

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FOLLOWING SOURCES

- Code of Ethics
- Education and Care Services National Law Act 2010.
- Education and Care Services National Regulations.
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations.
- Guide to the National Quality Framework.
- National Quality Standard.
- United Convention on the Rights of the Child

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