

# Kaupapa here | Conflict of Interest Policy

## Mō wai me te whānuitanga | Audience and scope

This Policy applies to:

- a) all employees of Te Pūkenga, including contracted staff, consultants and secondees providing services for Te Pūkenga, and those on fixed-term contracts (collectively referred to as kaimahi in this Policy); and
- b) where appropriate, Ohu Kaitiaki, which extends to all those operating at a governance level, including Council members and members of council’s advisory committees.

## Mokamoka whakaaetanga | Approval details

|  |                      |                                     |                      |
|--|----------------------|-------------------------------------|----------------------|
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| <b>Policy sponsor (has authority to make minor amendments)</b> | Chief People Officer | <b>Policy owner</b>                 | Chief People Officer |
| <b>Contact person</b>  |                      | <b>Date of next review</b>          | November 2024        |

## Ngā whakatikatika | Amendment history

| Version | Effective date | Created/reviewed by           | Reason for review/comment   |
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| 1       | 1 April 2024   |                               |   |
| 2       |                | Sam Shannon/Simon Karipa      | Amending for national application   |
|         |                | People, Culture and Wellbeing | Review of created document and application specifically for kaimahi conflicts of interest |
|         |                |                               |   |
|         |                |                               |   |
|         |                |                               |   |

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## Kaupapa-here | Conflict of Interest Policy

### 1. Pūtake | Purpose

- 1.1. The purpose of this Policy is to set out the expectation that all conflicts of interest held by Te Pūkenga kaimahi and Ohu Kaitiaki are identified, declared and managed responsibly, and comply with the legal, ethical and good practice expectations regarding the management of conflicts of interest expected of a public sector organisation.
- 1.2. In the course of our work at Te Pūkenga, kaimahi and Ohu Kaitiaki make decisions on behalf of the public about how to spend public funds. To maintain public trust and confidence, we need to assure the public that Te Pūkenga kaimahi and Ohu Kaitiaki are making those decisions:
  - impartially
  - in the public interest; and
  - not to benefit their whanau, friends, business associates, or themselves.
- 1.3. In addition to maintaining public trust, application of this Policy is to protect Te Pūkenga from perceived, potential and/or actual conflicts of interest and legal, commercial, political, and/or reputational risk.

### 2. Ngā Mātāpono | Principles

- 2.1. All kaimahi and Ohu Kaitiaki have a professional responsibility to act in a fair and impartial manner in all employment dealings, perform their duties honestly and impartially, and avoid situations which may compromise their professional integrity or lead to conflicts of interest.
- 2.2. Te Pūkenga kaimahi and Ohu Kaitiaki are in a position of trust. Accordingly, particular attention needs to be paid to relationships where there is an imbalance of power (which may lead to an abuse of power), intimate and close personal relationships, or the potential for impact on ākonga or less senior kaimahi or Ohu Kaitiaki.
- 2.3. Kaimahi and Ohu Kaitiaki should not participate in processes related to academic progress, assessment, recruitment, selection, promotion, performance appraisal, termination or transfer of any person with whom they have, or have had, a close personal relationship.
- 2.4. Kaimahi and Ohu Kaitiaki enrolled as ākonga have an additional responsibility to model the highest professional conduct as conflicts of interest, or perceptions of conflict, can be common in these situations. Kaimahi and Ohu Kaitiaki enrolled as ākonga must not use their position as a kaimahi or Ohu Kaitiaki (whichever applies) in any way to gain advantage.
- 2.5. Where possible conflicts of interest should be avoided; this includes entering into an intimate relationship or a close personal relationship with other Ohu Kaitiaki, kaimahi, ākonga or stakeholders, where such a relationship might influence your judgement or ability to make impartial or objective decisions.

- 2.6. As part of good public conduct, all decisions made relating to conflicts of interest should be made with a spirit of:
- a) integrity
  - b) impartiality
  - c) accountability
  - d) trustworthiness
  - e) respect
  - f) responsiveness.

#### What is a conflict of interest?

- 2.7. A conflict of interest (as more fully described in the Definitions - Clause 4 below) can be
- a) Actual - A conflict exists now between your official duties and your personal interests or responsibilities
  - b) Potential - A conflict could happen or is about to happen
  - c) Perceived - A situation where other people might think a conflict exists
- 2.8. Te Pūkenga recognises that conflicts of interest will arise from time to time. Proper disclosure and management of conflicts enables Te Pūkenga and kaimahi to remain safe.

#### Disclosure of conflicts of interest

- 2.9. Te Pūkenga expects all kaimahi who hold a conflict of interest to declare that upon commencement of employment with Te Pūkenga or as soon as it arises and in accordance with the Conflict of Interest Procedures. All Ohu Kaitiaki who hold a conflict of interest are expected to declare that upon commencement of their role with Te Pūkenga or as soon as it arises and in accordance with the Conflict of Interest Procedures. Where a kaimahi or Ohu Kaitiaki is unsure whether something constitutes a conflict of interest, in the interests of transparency they should disclose the conflict of interest.
- 2.10. Te Pūkenga expects managers to remain alert to situations which may create a conflict of interest for kaimahi and ensure that the situation is recognised and handled in accordance with this Policy and its associated Procedures.
- 2.11. Te Pūkenga expects Ohu Kaitiaki to remain alert to situations which may create a conflict of interest and ensure that the situation is recognised and handled in accordance with this Policy and its associated Procedures.
- 2.12. Where conflicts of interest are disclosed, Te Pūkenga will consider the appropriate actions to take in consideration of the principles in 2.6 and accordance with the Conflict of Interest Procedures.
- 2.13. Te Pūkenga acknowledges that declarations may involve disclosing personal information. Any information of this nature will be held in line with the Privacy Act 2020 so far as the law allows.

#### Management of conflicts of interest

- 2.14. Conflict of interest situations will be dealt with as soon as reasonably practicable after they are identified.
- 2.15. Decisions on how to manage a conflict of interest are made in accordance with Te Pūkenga Conflict of Interest Procedure on behalf of Te Pūkenga by:
- for kaimahi, the manager of the kaimahi who holds the interest in consultation with People, Culture and Wellbeing as appropriate; and
  - for Ohu Kaitiaki, where the person holding the interest is a Council member, the Council or, where the person holding the interest is a member of an advisory committee, the advisory committee.
- 2.16. Te Pūkenga will implement strategies and monitoring procedures for managing a conflict of interest,. Kaimahi and Ohu Kaitiaki are required to comply with any such procedures.

#### Breaches of Policy

- 2.17. Kaimahi and Ohu Kaitiaki are encouraged to report any breaches of this policy to their line manager or Chair (as applicable). Kaimahi and Ohu Kaitiaki may alternatively report a breach of this policy in accordance with the Protected Disclosures (Whistleblowing) Policy.
- 2.18. Breaches of this Policy by kaimahi, including failure to declare a conflict of interest, may result in disciplinary action up to and including dismissal, and, in the case of contractors, termination of the contract and/or legal action being taken by Te Pūkenga.

### 3. Ngā Haepapa | Responsibilities

| Role                          | Responsibilities  |
|-------------------------------|---|
| <b>All Te Pūkenga kaimahi</b> | <ul style="list-style-type: none"> <li>• Declare any conflicts of interest in accordance with this Policy and its related Procedures.</li> <li>• Be alert to any situations where any conflict of interest could exist and declare any further conflicts of interest as soon as they arise.</li> <li>• Where necessary, work alongside their manager to manage a conflict of interest.</li> <li>• Comply with any plans, mitigations or strategies to manage conflicts of interest as directed by their manager.</li> </ul>   |
| <b>Managers</b>               | <ul style="list-style-type: none"> <li>• Promote awareness and understanding of Te Pūkenga Conflict of Interest Policy and Procedures within their teams.</li> <li>• Ensure their direct reports complete declarations of conflicts of interest in accordance with this Policy and its related Procedures.</li> <li>• Remain alert to situations where the people that they manage or supervise may have a conflict of interest and ensure that the situation is recognised and managed appropriately.</li> <li>• Assess all conflicts of interest in accordance with Te Pūkenga Conflict of Interests Procedures to determine whether further action is necessary to manage the conflict.</li> </ul> |

|                                     |  |
|-------------------------------------|--|
|                                     | <ul style="list-style-type: none"> <li>• Where necessary, work with the kaimahi concerned to develop a plan to manage the conflict of interest in consultation with People, Culture and Wellbeing.</li> <li>• Ensure all conflicts of interests held by kaimahi under their management are recorded in the Conflict of Interests Register, along with notes relating to assessment and decisions to take (or not take) further action to manage conflicts of interest.</li> </ul>  |
| <b>People Culture and Wellbeing</b> | <ul style="list-style-type: none"> <li>• Support managers in managing conflicts of interest for kaimahi.</li> </ul>  |
| <b>All Te Pūkenga Ohu Kaitiaki</b>  | <ul style="list-style-type: none"> <li>• Declare any conflicts of interest in accordance with this Policy and its related Procedures.</li> <li>• Be alert to any situations where any conflict of interest could exist and declare any further conflicts of interest as soon as they arise.</li> <li>• Where necessary, work alongside Council or committee members (as applicable) to manage a conflict of interest.</li> <li>• Comply with any plans, mitigations or strategies to manage conflicts of interest as determined by their fellow Council or committee members (as applicable).</li> </ul> |

#### 4. Ngā Tikanga | Definitions

| Term                          | Definition   |
|-------------------------------|--|
| <b>Conflict of Interest</b>   | <p>A conflict of interest is where the responsibilities you have as Te Pūkenga kaimahi or Ohu Kaitiaki overlap with some other interest you have in your private life.</p> <p>That other interest could be a non-financial interest such as a relationship (family, friends, acquaintances), a financial interest (role in another organisation, or a business interest as a shareholder, partner, director or owner) or other personal commitments or responsibilities. They may also include the interests of whānau or friends if those interests overlap with your own professional duties.</p> <p>It is any situation where your independence, objectivity or impartiality could potentially be doubted or challenged, even if you have no intention of acting improperly.</p>  |
| <b>Financial conflict</b>     | <p>A financial conflict of interest is any situation where you stand to gain or lose financially from a decision you are asked to make. A financial interest means anything of monetary value, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Salary or payment for services (for example: consulting fees and honoraria)</li> <li>• Equity interests (for example shares, share options and other ownership interests)</li> <li>• Gifts</li> <li>• Allowances, forgiveness of debts, interests in real estate, or personal property, dividends, rents, capital gains; and</li> <li>• Intellectual property rights (for example: patents, copyrights and royalties from these rights).</li> </ul> <p>These interests can be direct (you will gain or lose personally) or indirect (a person close to you will gain or lose).</p> |
| <b>Non-financial conflict</b> | <p>A non-financial conflict of interest is any situation where you are not affected financially by a decision but are affected in some other way that might make you biased or appear to be biased. A non-financial conflict of interest might arise, for example, from a family relationship, friendship, or any other sort of personal relationship, or if you are involved with another organisation outside of Te Pūkenga.</p>   |
| <b>Conflict of roles</b>      | <p>A conflict of roles can arise in any situation where you are a decision-maker for two different organisations about the same matter. The question you need to consider is not so much whether your interests conflict, but whether the interests of the two organisations you work for do.</p>  |
| <b>Abuse of power</b>         | <p>Abuse of power is where someone uses their position of power or authority in an unacceptable manner. Abuse of power can take various forms and may include, but is not limited to, grooming,</p>  |

|                                    |  |
|------------------------------------|--|
|                                    | manipulation, coercion, putting pressure on others to engage in conduct that they do not feel comfortable with.  |
| <b>Close personal relationship</b> | A close personal relationship is a non-intimate relationship but is of a nature where the connection goes beyond a casual acquaintance. Without limiting the types of relationships, examples include: <ul style="list-style-type: none"> <li>• relatives or close family friends</li> <li>• a relationship of financial dependence</li> <li>• sharing a domestic living arrangement (e.g. a flatting situation).</li> </ul> |
| <b>Intimate relationship</b>       | An intimate relationship is a consensual romantic or sexual relationship. An intimate relationship could be brief and includes a one-off or sporadic occurrence.   |

## 5. Ngā Hononga ki Tuhinga kē | Links to Other Documents

|   |
|---|
| <p><b>Ngā Kaupapa-Here e Hāngai ana   Related policies</b></p> <ul style="list-style-type: none"> <li>• Te Pūkenga Code of Conduct</li> <li>• Privacy Policy</li> <li>• Protected Disclosures (Whistleblowing) Policy</li> </ul>  |
| <p><b>Ngā Tukanga me ngā Hātepe   Processes, procedures</b></p> <ul style="list-style-type: none"> <li>• Te Pūkenga Conflict of Interest Procedures</li> <li>• Conflict of Interest Declaration Form</li> <li>• Privacy Procedures</li> <li>• Protected Disclosures (Whistleblowing) Procedures</li> </ul>  |
| <p><b>Ture whai take   Relevant legislation / guidance</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Education and Training Act 2020</a></li> <li>• <a href="#">Privacy Act 2020</a></li> <li>• “<a href="#">Managing conflicts of interest: A guide for the public sector</a>” (a good practice guide published by the Office of the Auditor General under section 21 of the Public Audit Act 2001((June 2020)</li> </ul> |