



## School Council – Code of Conduct and Conflict of Interest Policy 2024

The purpose of this policy is to ensure school council members are aware of their obligations in relation to their Code of Conduct and conflict of interest and to provide guidance on managing school council conduct and conflict of interest issues.

### Summary

- School council members must abide by the [Code of Conduct for Directors of Victorian Public Entities](#) (the Code of Conduct) issued by the Victorian Public Sector Commissioner. The Code of Conduct is based on the Victorian public sector values.
- The school council chairperson (normally the president) is responsible for managing any conflict or conduct issues that arise during the course of a meeting and the Principal is responsible for managing any conflict or conduct issues that extend beyond the meeting.
- Conflicts of interest are an inevitable fact of organisational life and can arise without anyone being at fault.
- School council members must declare a conflict of interest whether actual, potential or perceived where their private interests could influence their role or duty on school council.
- The Guidance tab provides information on managing school council conflict and conduct issues.

### School Council Code of Conduct

School councils in Victoria are public entities as defined by the Public Administration Act 2004. School council members must abide by the [Code of Conduct for Directors of Victorian Public Entities](#) (Code of Conduct), issued by the Victorian Public Sector Commission. The Code of Conduct is based on the Victorian public sector values.

The Victorian public sector values, set out in the Code of Conduct are: responsiveness, integrity, impartiality, accountability, respect, leadership and human rights. The values underpin the behaviours that the government and community expect of all directors of public entities, including school council members.

All members should act in accordance with these values and use them to guide information sharing, relationship building and decision-making.

The Victorian public sector values are an expectation on all staff working in Victorian government schools as well as those on school council. This means all employees are required to demonstrate the values in their work.

A failure to uphold the Victorian public sector values can undermine confidence in the school council.

Some school councils will, at times, have members expressing strong conflicting views and there may be occasions where individual members are not working cooperatively with other councillors. It is for the chairperson (normally the president) to manage any conflict or conduct issues that arise during the course of a meeting.

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In the context of school council's powers, duties and functions, the Code of Conduct requires councillors to:

- act with honesty and integrity:
  - be truthful, open and clear about their motives.
  - declare any real, potential or perceived conflict of interest and duty.
- act in good faith in the best interests of the school:
  - work cooperatively with other councillors and the school community.
  - be reasonable and make all decisions with the best interests of students foremost in their minds.
- act fairly and impartially:
  - consider all relevant facts of an issue before making a decision.
  - seek to have a balanced view
  - never give special treatment to a person or group
  - never act from self-interest
- use information appropriately:
  - respect confidentiality
  - use information for the purpose for which it was made available.
- use their position appropriately.
  - not use their position as a councillor to gain advantage.
- act in a financially responsible manner
  - observe all the above principles when making financial decisions.
- exercise due care, diligence and skill:
  - accept responsibility for decisions.
  - do what is best for the school.
- comply with relevant legislation and policies when making decisions.
- demonstrate leadership and stewardship:
  - set a good example, encourage a culture of accountability and child safety.
  - manage risks effectively and responsibly, to keep the school strong and sustainable.

The principal is responsible for managing any conflicts that extend beyond the meeting. Principals may seek the support of their Senior Education Improvement Leader or the department's School Operations and Governance unit, Schools and Regional Services, in relation to any school council conflict or conduct issues.

Refer to the [School Council Conduct and Conflict of Interest Guidelines](#), on the Guidance tab, for further information on the Code of Conduct, values and resolution options to manage conflict situations should they arise.

The Victorian Public Sector Values, set out in the Code of Conduct are:

- responsiveness
- integrity
- impartiality
- accountability
- respect
- leadership
- human rights

The values underpin the behaviours that the government and community expect of all directors of public entities, including school council members.

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All members should act in accordance with these values and use them to guide:

- information sharing
- relationship building
- decision-making

### **Conflict of interest**

A conflict of interest occurs when a school councillor's personal interests may influence, or may be seen to influence, their role and decision-making on council.

A personal interest may arise from a member's personal preference, connection, property, hobby, or a desire to help family and friends. Personal interests can also be pecuniary (financial) or non-pecuniary.

Potential conflicts of interest occur where an actual conflict of interest may arise in the future.

Perceived conflicts of interest occur where a reasonable person might suspect that a school councillor is subject to a real conflict of interest, whether or not one actually exists. Perceived conflicts may be just as damaging as 'actual' conflicts. Any reasonable perception that a councillor is benefiting from council decisions could result in the loss of public trust. Councillors are obliged to identify these risks, and take action, in consultation with the principal and the president to mitigate them.

If a school council member or a member of his or her immediate family has an actual, potential or perceived conflict of interest (either a pecuniary or non-pecuniary interest) in a subject or matter under discussion at a school council meeting, the member must declare the conflict of interest.

If the school council decides that the conflict of interest is material, the councillor:

- must not be present during the relevant discussion unless invited to do so by the chair of the meeting.
- must not be present when a vote is taken on the matter.

A school councillor's temporary absence for this purpose does not affect a meeting quorum.

The declaration of conflict of interest should be included in the minutes of the meeting.

Some school councils will, at times, have members expressing strong conflicting views and there may be occasions where individual members are not working cooperatively with other councillors. It is for the chairperson (normally the president) to manage any conflict or conduct issues that arise during the course of a meeting.

The principal is responsible for managing any conflicts that extend beyond the meeting. Principals may seek the support of their Senior Education Improvement Leader or the Department's School Operations and Governance unit, Schools and Regional Services, in relation to any school council conflict or conduct issues.

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Refer to the School Council Conduct and Conflict of Interest Guidelines, on the Guidance tab, for further information on the Code of Conduct, values and resolution options to manage conflict situations should they arise.

Perceived conflicts of interest occur where a reasonable person might suspect that a school councillor is subject to a real conflict of interest, whether or not one actually exists. Perceived conflicts may be just as damaging as 'actual' conflicts. Any reasonable perception that a councillor is benefiting from council decisions could result in the loss of public trust. Councillors are obliged to identify these risks, and take action, in consultation with the principal and the president to mitigate them.

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If the school council decides that the conflict of interest is material, the councillor:

- must not be present during the relevant discussion unless invited to do so by the chair of the meeting, and
- must not be present when a vote is taken on the matter.

A school councillor's temporary absence for this purpose does not affect a meeting quorum.

The declaration of conflict of interest should be included in the minutes of the meeting.

If the conflict of interest involves a principal or business manager, it must be entered onto the Conflict of Interest Register on eduPay and managed appropriately. Refer to:

- [School Council Conduct and Conflict of Interest Guidelines](#) and [Resources tab](#) for further information.

## Definitions

### Actual conflict of interest

Actual conflicts of interest occur when a school councillor's private interest can influence their current public duty

### Perceived conflict of interest

Perceived conflicts of interest occur where a reasonable person might suspect that a school councillor is subject to a real conflict of interest, whether or not one actually exists.

### Potential conflict of interest

Potential conflicts of interest occur where an actual conflict of interest may arise in the future

## Other links

- <https://www2.education.vic.gov.au/pal/school-council-conduct/policy>
- [School Council Conduct and Conflict of Interest Guidelines](#) and [Resources tab](#) for further information.
- HRWeb for further information on [Conflict of Interest](#).

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