	<b>Human Resources Policy Document</b>	
		Effective Date:
	Conflict of Interest	1 September, 2010

Title : **Conflict of Interest**

Status : **Revision of original policy Conflict of Interest**

Approval Date : June 2015

Date for Next Review : June 

20
19

Originator : **Keith Tucker, Director, Human Resources**

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Originator: *Human Resources, ESF Centre*

Originator:  Keith Tucker Director, Human Resources  Date:	Reviewed by:  SMT  Date:	Approved by :  Functional Director/ Chief Executive  Date:
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**REVISION STATUS TABLE**

Revision No	Effective Date	Summary of Revision	Reviewed		Approved	
			By	Date	By	Date
A		For review by SMT	Keith Tucker	20Apr 2009	SMT	21Apr 2009

**POLICY DOCUMENT ANNUAL REVIEW**

This Policy document is subject to an Annual Review by ESF that is formally documented to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements for the forthcoming year. ESF reserves the right to amend this Policy by notice following such review in circumstances in which it considers such change to be necessary or appropriate.

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## 1. PURPOSE

The English Schools Foundation (ESF) aims to maintain its high standard of integrity and of being transparent, open and fair in its dealings.

This Policy outlines the importance of identifying and managing any potential conflict of interest for all Staff Members in discharging their official duties. It sets out rules and principles for appropriate conduct under certain circumstances. Examples of potential conflicts of interest are provided in Appendix I.

This Policy aims to prevent Staff Members from using their position with ESF or ESL for purposes that are, or give the appearance of being, motivated by a desire for personal gain for themselves or others, such as those with whom they have family, business or other ties, Staff Members should read this Policy in conjunction with the Outside Activities Policy and the Acceptance of Advantage by Staff Members (Prevention of Bribery) Policy.

## 2. SCOPE


This Policy applies to all Staff Members in all ESF and ESL entities, namely: -

1. Primary Schools;
2. Secondary Schools;
3. Private Independent Schools;
4. Kindergartens;
5. ESL Head Office;
6. ESF Centre.

**Out of scope:** This Policy does not apply to Members of the Board, the Nominating Committee, Standing and Advisory Committees, School Councils and Appeals Panels who are covered by the Code of Conduct (section 27) in the ESF Ordinance (Cap 1117). This Policy does not apply to external contractors who are required to complete a "Declaration of Conflict of Interest" form during the tender or quotation process.

## 3 DEFINITIONS / ABBREVIATIONS

ESF	-	the English Schools Foundation
ESL	-	ESF Educational Services Limited
Senior Managers	-	Senior Management Team at ESF and the management team at ESL
Staff Member	-	Any employee of ESF and/or ESL
Principal	-	Principal of the relevant ESF School
School Council	-	School Council of the relevant ESF School
Head of Department	-	Head of the relevant department within the school or ESF office
Chief Executive	-	Chief Executive of ESF
Director HR	-	Director of Human Resources
Board	-	Board of Governors of ESF

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#### **4. RESPONSIBILITIES**

##### **4.1 Staff Members**

Staff Members are responsible for identifying and declaring any existing or potential conflict of interest. They are expected to be vigilant at all times against any actual or potential conflict of interest situation that may arise or has arisen between their official duties and their private interests.

Staff Members are expected to be honest, impartial and objective in carrying out their duties, exercising due diligence and maintaining high standards of integrity.

##### **4.2 Principal and Senior Managers**

Principals and Senior Managers are responsible for ensuring conflicts of interest are managed appropriately.

In case of doubt, Staff Members should seek the advice from their Head of Department or the Director HR.

##### **4.3** Where the circumstances are not prescribed in Appendix I, it is the responsibility of the Staff Member to judge in accordance with the principles set out in this Policy how best to act in accordance with the Policy. In case of doubt, Staff Members should seek the advice of Head of Department or the Director HR.

#### **5. PROCEDURE**

**5.1** Staff Members shall make a conscious effort to avoid or declare, as appropriate, any conflict of interest which may arise or has arisen.


**5.2** Staff Members shall declare any conflict of interest that might influence, or appear to influence, their judgement in the performance of their duties. Such duties may include but are not limited to recruitment, duty assignment, promotion, performance appraisal, selection of Staff Members for training courses and study leave, etc, refer to Appendix I for more detail. All Staff Members are advised to :

**5.2.1** Refrain from handling official matters or decision making or taking part in decision making in matters which may conflict with their private interests;

**5.2.2** Refrain from acquiring any investment or financial interest which may lead to conflict of interest with their official duties;

**5.2.3** Decline to provide assistance, advice or information on official matters to their relatives, friends, or any clubs/organisations of which they are members, when this may result in the recipients having an unfair advantage over other persons/organisations; and

**5.2.4** Familiarise themselves with the rules and guidelines on conflict of interest, and act accordingly.

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**5.3** A declaration of conflict or perceived conflict of interest should be made in writing, on the standard form (Appendix II), or recorded in the notes of a meeting as appropriate. Such declarations should be made and records duly kept as follows:

- (a) Declaration from Staff Members of a school shall declare to the Principal;
- (b) Declaration from a Principal shall report to the School Council Chairman with notification to the Director HR or the Chief Executive;
- (c) Declaration from other non-school Staff Members shall report to the relevant Senior Manager;
- (d) Senior Managers shall report to the Chief Executive; and
- (e) Declaration from the Chief Executive shall report to the Chairman of the Board.

**5.4** When a conflict of interest is identified the Principal or Senior Manager shall decide whether the Staff Member disclosing an interest shall be required to abstain from the work/dealings.

## **6. COMPLIANCE**

Any matters concerning the implementation of this Policy in a particular school/organisation should be raised with the Principal or appropriate Senior Managers with a view to reaching a mutually workable solution. Any matters of non compliance should be raised with the Director HR, ESF Centre.

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## Appendix I – Examples of Conflict of Interest Situations

The following is not intended as a comprehensive list of every type of conflict and/or behaviour expected of Staff Members.

### **Examples of conflict of interest situations<sup>1</sup>:**

- *A Staff Member taking part in the evaluation and selection of textbooks, reference books or learning materials which are written or edited by his spouse, family, relatives or personal friends, or published by a company in which he or any such person has a financial interest.*
- *A Staff Member taking part in the evaluation and selection of a supplier/contractor from a number of bidders one of which is operated by his spouse, family, relatives or personal friends, or in which he or any such person has a financial interest .*

*Common examples are:*

- *selection of a textbook supplier*
- *selection of school uniform supplier*
- *selection of an exercise book supplier*
- *selection of a supplier of computer systems*
- *selection of a contractor for renovation projects*
- *selection of a school bus operator*
- *selection of a tuck shop operator*
  
- *A Staff Member accepting frequent or lavish entertainment from a supplier/contractor who has business dealings with the school or organisation.*
- *A Staff Member accepting sponsored travel, accommodation and related services whether local or overseas from a supplier/contractor who has business dealings with the school or organisation.*
- *A Staff Member selecting candidates for admission to a school interviewing or deciding on a candidate who is the son or daughter of his relative or personal friend.*
- *A Staff Member serving as a member of a Board to consider the recruitment, posting or promotion of staff, one the candidates being his family member, relative or personal friend.*
- *A Staff Member making nominations or selecting staff for training courses or study trips, one of the nominees/candidates being his family member, relative or personal friend.*
- *A Staff Member referring his pupils to attend private tutorial schools in which he, his family, relatives or personal friends have a financial interest.*

<sup>1</sup> Extracted from the “School Administration Guide” - Education Bureau, The Government of the Hong Kong Special Administrative Region

