

## CONFLICTS OF INTEREST POLICY

<b>Uepū</b>	Kiriwhanake
<b>Owner</b>	Tumuwhanake
<b>Approved by</b>	Te Mana Whakahaere
<b>Date first approved</b>	July 2008
<b>Date approved</b>	28 March 2018
<b>Date of the next review</b>	October 2020

### 1.0 Te Pūtake

Te Wānanga o Aotearoa (TWOA) has appropriate protection mechanisms in place to manage the interests of its governance members, kaimahi, and third parties. Governance members, kaimahi, taura or third parties will not benefit indirectly or directly because of an interest.

### 2.0 Tikanga Whakahaere

TWOA aims to manage conflicts of interest in a transparent manner to minimise risk in accordance with the values of TWOA. Conflicts of interest will be dealt with professionally, impartially and with honesty to preserve the integrity of the organisation, governance members, kaimahi, taura and third parties

<b>TWOA Values</b>	<b>Principles</b>
<b>Te Aroha</b> Having regard for one another and those for whom we are responsible and to whom we are accountable	2.1 TWOA recognises that there are relationships between governance members, kaimahi, taura and third parties. The aim is to provide the mechanism to identify, record and actively manage conflicts of interest.
<b>Te Whakapono</b> The basis of our beliefs and the confidence that what we are doing is right	2.2 TWOA manages conflicts of interest to reduce financial and non- financial risks to the organisation. Having procedures and processes to identify and manage conflicts of interest is crucial to maintaining the integrity of both TWOA, its governance members kaimahi, taura and third parties.
<b>Ngā Ture</b> The knowledge that our actions are morally and ethically right and that we are acting in an honourable manner	2.3 Risks are minimised in accordance with the definition of a conflict of interest provided by the State Services Commission. 2.4 To ensure the organisation is protected from any conflicts or potential conflicts of interest, all governance members, kaimahi and third parties will declare any conflicts or potential conflicts of interest. 2.5 Failure to disclose an interest or to resolve or properly manage an interest will result in appropriate action being taken in line with the Performance Management Procedure and Mana Whaiaro. It is immaterial whether or not the kaimahi involved has actually received a personal gain or whether TWOA suffered damage. It is

TWOA Values	Principles
	<p>important to properly establish whether there was a conflict of interest when the act, contract or transaction was entered into. A contract entered into in breach of this policy may or may not render the contract voidable. This will be dependent on whether proper notice was given to TWOA of the parties to the conflict.</p> <p>2.6 Concerns about an undisclosed interest can be raised according to the Protected Disclosures tikanga whakahaere, Protected Disclosures procedure and the Protected Disclosures Act 2000.</p>
<p><b>Kotahitanga</b> Unity amongst iwi and other ethnicities, standing as one</p>	<p>2.7 Conflicts may have both financial and non-financial effects on the organisation. Conflicts of interest can arise through personal or professional relationships, involvement in associated organisations, and iwi, hapū or whānau relationships. These may be seen as actual, potential or possible conflicts of interest. It is in the organisation's best interests that all conflicts whether actual, potential or possible are disclosed to ensure relationships are preserved.</p>

### 3.0 Whanuitanga

This tikanga whakahaere applies to all Governance and Kaimahi of TWOA.

Who	Responsible for:
Kaimahi	<p>All new kaimahi to complete a Declaration of Interest form and return to Kiriwhanake upon commencement of employment with TWOA.</p> <p>Existing kaimahi to complete an annual online Declaration of Interest form and forward to Kiriwhanake. Kaimahi are also required to resubmit at any stage where a conflict of interest arises. Governance members will review any conflicts of interest at each hui.</p> <p>Any kaimahi who participate in a tender or procurement process for goods, services or property must complete a Declaration of Interest form in each instance.</p> <p>Must complete a Declaration of Interest form if tauira are whānau members. Kaiako must not assess any material where tauira are whānau members.</p>
Conflict Manager	<p>To meet with and sign off governance members, kaimahi and third party conflict of interest forms.</p> <p>Responsible for mitigating and resolving conflicts of interest that arise within the organisation in an honest, impartial and professional manner in line with Mana Whaiaro and the Performance Management Procedure, including any third party to TWOA.</p>

Kiriwhanake	Maintain, file and archive conflict of interest records in line with <b>organisational record management policy and legislative requirements</b> . Protect the privacy of all kaimahi conflict of interest records.
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#### 4.0 Whakamāramatanga

These are the definition of terms that are used throughout the document.

Term	Description
Kaimahi	All persons employed or seconded by TWoA.
Te Wānanga o Aotearoa	Includes TWoA and all 100% owned and controlled entities.
Kaiako	A tutor at TWoA.
Tauira	All persons currently enrolled in TWoA programmes or courses.
Third Party	A contractor to TWoA.
Undisclosed Interest	A conflict of interest which is not formally declared.
Kiriwhanake	Human Resources Department of TWoA.
Conflict Manager	The manager of any kaimahi or the Chairperson of Te Mana Whakahaere.
Conflict of Interest	The State Services Commission defines a conflict of interest as: ...”any financial or other interest or undertaking that could directly or indirectly compromise the performance of [the person’s] duties, or the standing of their department in its relationships with the public, clients, or Ministers. This would include any situation where actions taken in an official capacity could be seen to influence or be influenced by an individual’s private interests (e.g. company directorships, shareholdings, offers of outside employment).”
Non-Financial Interest	Non-financial interests do not have a financial component but may arise from personal or whānau relationships or involvement in sporting, social or cultural activities. They may include any tendency toward favour or prejudice resulting from friendship, animosity or other personal involvement that could bias your judgement or decisions.  For the purposes of clarity, this means active involvement in sporting, social or cultural activities, political parties, iwi, hapū and community incorporations.

Term	Description
Financial Interest	A financial interest is where a personal or monetary gain could be generated from your official duties. A financial interest could result from: owning property, having unpaid debts to others or receiving hospitality or travel. The party does not need to directly experience financial or personal gain as it remains a conflict of interest if a whānau member, a close acquaintance or someone in close proximity to the party has the financial interest.
Perceived (or apparent) interest	The declarer could be in a position to appear to be influenced by their private interests when performing their responsibilities for TWoA.
Potential Conflict of Interest	The declarer will be in a position where they may be influenced in the future by their private interests when performing their responsibilities for TWoA.
Actual Conflict of Interest	The declarer will be in a position to be influenced by their private interests when performing their responsibilities for TWoA.
Private (or personal) Interest	Private interests are those interests that can bring benefits or disadvantages to parties as individuals or to those that the party wishes to benefit or disadvantage. Private interests are not limited to pecuniary interests or interests that can bring direct personal gains or help avoid personal loss. They also include many social and professional activities and interests.
Direct/Upline Manager	The manager the kaimahi directly reports to as per the approved organisational structure.
Governance Members	Members of any established TWoA governance group e.g. Te Mana Whakahaere and Sub Committees.

## 5.0 Ngā Hononga

The following tikanga whakahaere applies to this tikanga whakahaere:

- Brand Tikanga Whakahaere
- Te Wānanga o Aotearoa Brand Style Guide
- Social Media Guidelines
- Media & Other External Agencies Requests for Information
- Copyright Act 1994
- Defamation Act 1992
- Privacy Act 1993
- Fair Trading Act 1986
- Consumer Guarantees Act 1993
- Human Rights Act 1993
- Unsolicited Electronic Messages Act 2007
- Intellectual Property Policy Register

- Overarching Communications Plan 2016 – 2020
- Communication Tikanga, in Overarching Communications Plan 2016- 2020
- Revised Social Media Guidelines
- Official Information Act 1982
- Public Records Act 2005
- Records and Information Management
- Health and Safety at Work 2015
- Protected Disclosures Act/whistle-blowing
- Complaints Policy
- Performance Management Procedure
- Mana Whaiaro (Code of Conduct)
- Management of Suppliers and Payments