



## Overview

### Who this document is for

These example management plans support the Public Service Commissioner's [Conflicts of Interest Model Standards](#) by providing themed practical examples of how to manage conflicts of interest. They aim to assist public servants and their managers to create effective plans to manage conflicts of interest.

For further information about conflicts of interest please refer to:

- the Public Service Commission's [one-page guide to conflicts of interest conversations](#), which is designed to help managers have collaborative conversations with staff about conflicts of interest.
- the Office of the Auditor-General's guidance on [managing conflicts of interest in the public sector](#) and [managing conflicts of interest in procurement](#).

### What a conflict of interest management plan is

A conflict of interest is any situation where a person's duties or responsibilities as a public sector employee or contractor conflict (or could be seen to conflict) with another interest the person has.<sup>1</sup> To maintain public trust it is important that conflicts of interest are identified and managed properly.

A conflict of interest management plan is a document that identifies what the conflict of interest is and how the risks created by it are being managed. Having a management plan in place ensures there is a shared understanding and agreement between everyone involved about how the conflict of interest will be managed and keeps both staff and agencies safe from undue criticism.

While it is an individual's responsibility to declare their interest, it is a shared responsibility between the individual and their agency to assess the interest and manage any conflicts that arise from it.

A management plan does not have to follow a particular format or be overly detailed, although your agency may have a specific template for you to use. The agreed plan should be saved centrally to ensure it will not get lost (for example, in your agency HR portal).

Managing a conflict of interest is an active process. Management plans should be revisited at regular intervals and updated if the situation changes, they are not 'set and forget' documents. Regular check-ins are helpful (at a minimum annually), as is revisiting the conversation at the

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<sup>1</sup> See the Public Service Commissioner's [Conflicts of Interest Model Standards](#).

start of any project. A management plan should specify the manager who is responsible for monitoring and evaluating the plan.

## Knowing if the conflict is actual, perceived or potential

Knowing whether the conflict of interest is an actual, perceived (meaning there is not an actual conflict, but people may think there is) or a potential conflict of interest (meaning there is not a conflict yet but there could be in the future) will help you determine the right kind of mitigation to put in place:

- **Actual** - an actual conflict of interest cannot be managed by a declaration alone. It requires active mitigations to be in place.
- **Perceived** - the management plan for a perceived conflict of interest needs to be transparent to counter the perception there is a conflict. This could involve declaring the perceived conflict at meetings or being ready to publicly release the management plan if questioned.
- **Potential** - the management plan for a potential conflict of interest needs to identify the trigger for when conflict would become an actual conflict of interest (for example, if a staff member's family company tendered for work with the agency) and what mitigations would then be required. For an interest to be a potential conflict of interest there needs to be a reasonable possibility that a conflict of interest could arise.

## Common types of mitigation

There are a range of ways to avoid or mitigate the risks created by a conflict of interest, depending on the nature of the conflict. These can include:

- Declaring the conflict of interest to all parties who need to know.
- Increasing the oversight, review or supervision of the work.
- Reconfirming with the staff member their obligations about sharing confidential information, specifically with reference to the conflict of interest at hand.
- Involving additional staff in decision making on the matter, for example by having a colleague in another team peer review or a panel decide instead of one individual.
- Reallocating work to someone else.
- Transferring the staff member to another team, either temporarily or permanently.
- Limiting the staff member's access to information about the matter, for example by restricting access to files or stepping out of a meeting when the interest is discussed.
- Relinquishing the private interest, for example by divesting shares held in a company.
- Requesting the staff member take a leave of absence from work, for example if they are standing for election.
- Resignation from one position to remove the conflict, for example stepping down from a board or volunteer role.

Some mitigations may not be feasible for all organisations (for example, in a very small organisation it may not be possible to reassign work to someone else) so other options to manage the risks will need to be considered.

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# Friends, family and professional connections

## Things to think about:

- How close is the staff member's relationship with the other person or organisation? A close relationship may create a conflict of interest but an acquaintance you have not spoken to since high school is less likely to be a conflict of interest you need to manage closely.
- When considering past employers, think about how long it has been since the staff member worked at that organisation. Loyalties, knowledge and working relationships tend to fade over time. Consider how long the person worked for their past employer and how senior they were. Someone who was in a very senior role for a long time may be seen as conflicted for longer.
- Will the staff member be making decisions that impact the person or organisation they have a relationship with? If so, what oversight processes are in place to make sure decisions are fair, and are these sufficient to mitigate the conflict?

## Scenario 1: Family member applying for financial assistance

### The situation

Ollie works as a case manager at a government agency that provides financial assistance to people. He finds out that his aunt, Sarah, is planning to apply for support at the service centre where he works. It is the only service centre in their small town. Ollie is not comfortable accessing Sarah's personal financial information and thinks this situation might be a conflict of interest.

### Why this is a conflict of interest

This is an actual conflict of interest. Ollie's family loyalty to his aunt conflicts with his obligation to process applications impartially. Ollie may feel pressured to approve Sarah's application to avoid upsetting her, meaning he may not assess the application in a fair and impartial manner. Even if Ollie was able to set aside any personal bias, members of the public and his colleagues are still likely to perceive him processing Sarah's application as being unfair, given they are closely related.

Ollie talks to his manager about how the conflict of interest could be managed. They agree:

Management Plan
<ul style="list-style-type: none"><li>• Any matters relating to Sarah's application and ongoing assistance will be handled by another case manager, to ensure there is no bias (or perception of bias) in managing the application.</li><li>• Sarah's case manager is aware that Ollie is related to Sarah and will not discuss information about Sarah with Ollie.</li><li>• Sarah will meet with her case manager in a meeting room rather than the open plan part of the service centre, so Ollie will not overhear her meetings.</li></ul>

- The IT team will put a block on Ollie's access to Sarah's file. Both Ollie and his Manager know that Ollie would not access the file, but blocking his access is a stronger protection for Ollie if anyone raised a concern.

#### **Follow up actions**

- A copy of the plan will be saved in the agency HR portal.
- The plan will be reviewed quarterly while Sarah is receiving support from the centre to make sure it is sufficiently mitigating the conflict.
- Sarah's case manager will tell Ollie's manager if anything changes in her situation that would require the plan to be updated.

## **Scenario 2: Partner of staff member employed in same agency**

### **The situation**

Joe and Sarah are married and work for the same government agency. They do not work in the same team, have separate reporting lines and their day-to-day work does not usually overlap. However, there are occasions where they may work on the same project, or they will both need to attend meetings or training together.

### **Why this is a conflict of interest**

This is an actual conflict of interest. Joe and Sarah's relationship and loyalty to each other conflict with their work obligations to treat everyone equally and not share confidential information. Joe and Sarah could show favouritism towards each other in the workplace, for example by advocating for each other's ideas in a meeting. They may be curious about each other's work and think it is okay to share in-confidence information with each other, for example Sarah may tell Joe about an upcoming budget proposal before it is announced to the whole office.

Joe and Sarah agree conflict of interest management plans with their respective managers:

#### **Management Plan**

- They will continue to work in separate teams with separate reporting lines and wherever possible will avoid working together or on overlapping projects.
- There may be future projects that either Sarah or Joe cannot work on because it would involve working directly together.
- Where they must work together, they will involve other parties to minimise the opportunity to show bias (for example, if Sarah is providing feedback on Joe's team's work, she will do this as part of a QA panel that reaches a decision together, rather than as an individual).
- They have talked to their managers about their code of conduct obligations not to disclose confidential government information. They accept that from time to time they

are likely to be aware of information their partner may be interested in, but they cannot share.

#### Follow up actions

- Joe and Sarah's regular one-on-one management catch ups will include a discussion of whether the conflict of interest management plan is working.
- The situation is manageable currently because Joe and Sarah rarely work together. If either of them sought another job in the agency consideration would have to be given to whether the conflict of interest could still be appropriately managed.
- A copy of the plan is sent to the agency's People team.

## Scenario 3: Family member working for a contractor

### The situation

Mia is a public servant working for a Crown entity. She has a cousin who runs a small consulting firm in a related field, ABC consulting, that does some work for government and has worked for the Crown entity before. Mia and her cousin see each other a few times a year at family events, but their relationship is not especially close. Currently Mia's organisation does not have any tender processes underway, but they will in the near future. Mia does not work in procurement but has access to the procurement team's files in a shared work drive.

### Why this is a conflict of interest

This is a potential conflict of interest because while there is no tender process underway currently, it is likely that in the future ABC consulting may put in a tender to work with Mia's organisation, given they have done work for the entity before. Company ABC submitting a tender to Mia's organisation would trigger the progression of this from a potential to an actual conflict of interest. Mia has access to the procurement team's files, so she could access confidential information that would help her cousin gain the contract. There is also a risk that people could perceive Mia's cousin as having an unfair advantage due to their connection, even though Mia does not make decisions about procurement.

Mia talks to her manager about steps to take to mitigate the potential conflict of interest and they agree the following plan:

#### Management Plan

- Mia's manager will ask the IT team to limit her access to the procurement team folder. Mia does not need access to these files for work and by removing her access she is protected if anyone raises concerns about her having access to information that could help ABC consulting.

- They will let the procurement team know that Mia has a connection to ABC consulting, in case the firm takes part in a future tender process. If this happened, the procurement team would be careful not to discuss the tender process in front of Mia.
- If ABC consulting does put in a tender to work with the Crown entity in the future, the procurement team will let Mia's manager know, as that would make the matter an actual rather than just potential conflict of interest. This will allow Mia and her manager the opportunity to revisit the management plan and put in place any further required mitigations.

#### Follow up actions

- A copy of the management plan will be emailed to HR
- The management plan will remain open while Mia works for the organisation. Mia and her manager will revisit the plan quarterly to make sure nothing has changed.

## Scenario 4: Previous employer is a regulated agency

### The situation

Mei has worked in her sector for several years. She has strong professional networks across the sector and sometimes meets former colleagues for lunch or a coffee. Her most recent previous employer, Company 123, is regulated by the agency she now works for. Her job is to assess reports from companies that her agency regulates to ensure they are meeting requirements. Mei worked at Company 123 for 10 years and before that did short contracts for a number of different companies that are also regulated by her agency.

### Why this is a conflict of interest

This is an actual conflict of interest because Mei's relationship (whether positive or negative) with her past employer conflicts with her obligation to assess reports fairly and impartially. Mei could feel loyal to her past employer and former colleagues, which could positively influence her judgment when assessing their reports. Alternatively, if Mei left a past employer on poor terms, she may feel negatively towards the company which could also unfairly impact her assessments. She also has insider knowledge of her past employer's practices that may influence her decision making. Even if Mei can put aside all bias, outsiders may still perceive her as prejudiced or have concerns about her sharing confidential information.

When Mei was hired, she raised this issue with her manager to see if it would be a problem. They agreed the following approach to managing the conflict:

#### Management Plan

- Mei's conflict of interest is with Company 123, where she worked for 10 years. Her relationships with the other companies where she briefly worked over 10 years ago are



much more distant, her knowledge of their practices is out of date and many of the staff she worked with have since moved on. While it is good to declare these relationships, Mei and her manager agree they do not constitute conflicts of interest that require management.

- Mei will not be involved in work relating to Company 123 and will not assess their reports.
- Some confidential files relating to Company 123 will be restricted so Mei cannot access them. While Mei's manager trusts that she would not access the files, blocking her access better protects Mei if any concerns were raised about her accessing the files.
- Mei will step out of meetings if Company 123 is being discussed.
- Mei's new team follow a clear process when carrying out assessments, which includes documenting their analysis and undertaking a peer review. These steps minimise the risk that one person's bias could influence assessments. It also means that if questioned they can justify their assessments.
- It is already standard practice for all assessment reports to be published online for transparency. This helps mitigate any public perception that some companies face less scrutiny than others due to their connections.
- Mei's induction will include training on information security and acceptable use of government information. She will have a conversation with her manager about her reflections on how these policies apply to her managing her relationship with her former employer.

#### **Follow up actions**

- The management plan will remain in place while Mei works in the team, and Mei and her manager will discuss it at their regular catch ups.
- A copy of the plan is sent to the People team.

# Iwi affiliations

## Things to think about:

- Belonging to an iwi or having a whakapapa connection to someone does not necessarily mean a conflict of interest exists. Whether or not a conflict of interest actually exists will require further assessment and consideration.<sup>2</sup>
- What level of involvement and influence does the staff member have with the iwi or group? A high level of influence (for example, being the chair of the iwi trust) is more likely to create a conflict of interest compared to belonging to or being a registered member of an iwi.
- How close is the staff member's relationship with the people or group they will be working with? Will they be working with a close family member?
- Does the staff member stand to benefit financially as a result of their work?
- Sometimes staff are hired because of their relationships and networks with particular communities. In these situations, it is important to think about how any conflicts of interest can be managed and have a plan in place early, so staff do not find themselves having to respond to issues on the spot.
- Does your organisation have a cultural advisor, kaumatua or pou tikanga who can help develop processes to manage conflicts of interest in a way that is respectful of culture and whakapapa?

## Scenario 5: Negotiating agreements with own iwi

### The situation

Tipene works in the Regional Operations and Partnerships team in his agency, based in a regional town. His role involves negotiating relationship agreements with iwi and hapū in the region that set out how his agency and the iwi will work together. Tipene is very involved with his own iwi and knows they will soon begin negotiating a relationship agreement with his agency. He knows the iwi representative who will be involved in negotiations well, has worked with her in the past on projects for his iwi and often runs into her at events.

### Why this is a conflict of interest

This is a potential conflict of interest that could become an actual conflict of interest if Tipene were to be involved in negotiations, because his ties to his iwi and relationship with the iwi representative conflict with the requirement to negotiate agreements impartially. Tipene may feel pressure to favour his own iwi or be concerned that people will perceive him as showing them favouritism even if he does not. The agreements Tipene negotiates have a funding component, and as a beneficiary of the iwi trust he stands to benefit financially from the outcome of the negotiation.

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<sup>2</sup> *New Zealand Māori Council v Angela June Foulkes* [2014] NZHC 1777, paragraph 199

Tipene is also concerned that it could damage his relationships with his whānau or other iwi members if the negotiations do not go well. He may be asked for information or updates outside work that he cannot provide, which would put him in an awkward position.

Tipene and his manager agree a plan to manage the conflict of interest:

Management Plan
<ul style="list-style-type: none"><li>• Another team member will lead negotiations with Tipene's iwi.</li><li>• Tipene will not have access to information about his iwi's negotiation in the agency's shared drive and will step out of meetings where his iwi is discussed. Although his manager trusts Tipene would not access these files, by removing his access he is better protected if anyone raised concerns.</li><li>• The rest of the team know about Tipene's iwi affiliation and will not ask him to review or comment on that negotiation.</li><li>• If asked for confidential information or updates outside of work, Tipene will explain this is a conflict of interest and advise the person to follow up with his colleague who is leading the work.</li></ul>
Follow up actions
<ul style="list-style-type: none"><li>• A copy of the plan is logged in the HR portal.</li><li>• Tipene and his manager agree to review the management plan at their fortnightly catch ups.</li><li>• The plan will remain live while his iwi is in negotiations and will be revisited once the relationship agreement is in place to see if it needs to be amended.</li><li>• To provide Tipene with cultural support navigating his work as a Māori public servant, his manager also sets up a catch up between Tipene and a Māori senior manager who works at their agency. This provides Tipene an informal opportunity to talk to someone with similar experiences to himself.</li></ul>

## Scenario 6: Staff member leading engagement with iwi and Māori groups

### The situation

Kelly works as an Engagement Lead for a small Crown entity. She has been asked to lead a series of engagement hui with Māori, including post-settlement governance entities, marae trusts and community groups, about some proposed changes to how her entity operates. Kelly has networks across many Māori organisations, has worked for some of the key organisations in the past, and has whakapapa links to iwi throughout the North Island. It is likely she will know some of the people she is engaging with. Kelly is the only person in her organisation who works on engagement, so it is not easy for her work to be reallocated. Final decisions about what changes

will be made as a result of the engagement process do not sit with Kelly, they will be made by other parts of her organisation.

### Why this is a conflict of interest

This is an actual conflict of interest, as Kelly's close connections to the people she is engaging with, including her past employers, may conflict with the requirement to carry out engagement impartially and fairly. Kelly may feel loyal to the people she has connections with or organisations she has worked for and could promote their views over those of other groups. People may be concerned she will share confidential information with people she knows.

To manage the conflict of interest, Kelly and her manager agree the following plan:

Management Plan
<ul style="list-style-type: none"><li>• A summary of meeting notes will be emailed to attendees for comment after each hui. This provides transparency about what was discussed and mitigates the risk Kelly could be seen as favouring a particular view, as people will have the opportunity to provide feedback on the notes.</li><li>• Another staff member will support and attend the hui with Kelly. This will provide an additional perspective and assurance that correct processes were followed to protect Kelly if any concerns or questions are later raised. Kelly will also acknowledge any close relationships to other hui attendees for transparency.</li><li>• There will be multiple ways for people to provide feedback on the proposed changes, including via the organisation's website, over email or on social media. This mitigates the possibility that Kelly will only engage with people she knows and leave others out, as there are other ways for people to submit feedback.</li><li>• Kelly will read the organisation's code of conduct obligations around confidential information and talk to her manager about how this applies to her work. She understands there may be instances where she has access to information that she cannot share with past colleagues, friends or family involved in the engagement process, even though they would have a strong interest in it.</li><li>• Kelly's manager will review and sign off the final engagement report. This helps provide assurance the process was fair and robust.</li><li>• Decisions resulting from the engagement will not be made by Kelly, they will be made by other teams within the organisation. This reduces the risk Kelly could be seen as influencing decisions in a biased way, as she is not the decision maker.</li></ul>
Follow up actions
<ul style="list-style-type: none"><li>• A copy of the plan is sent to the People team.</li><li>• Kelly and her manager agree to meet weekly and discuss how the plan is working for the duration of the engagement process.</li><li>• Once the engagement is completed, they will discuss any changes needed for next time.</li></ul>

# Recruitment

## Things to think about:

- Merit-based appointments are an essential cornerstone of our professional public sector, and it is important the public have confidence in this.
- How close is the relationship or connection between the parties? Some relationships (like immediate family members or partners) are too close for parties to be involved in recruitment processes.
- Even if a conflict of interest can be managed during the recruitment process, can it also be managed in the long term, once the person is appointed? Some close relationships create an unmanageable conflict of interest, for example if relatives will hold two of the most senior positions in an agency or if someone will be reporting directly to a close relative.
- Do all applicants have equal access to information about the job and equal opportunity to prepare?

## Scenario 7: Manager on a recruitment panel who knows an applicant

### The situation

Isla is a manager at her agency and is on the interview panel for a role that is currently advertised. She sees the list of applicants and realises that one of them is someone she went to high school with. They have not spoken in years, and Isla does not remember her that well. Isla has not told this person anything about the job and they do not know she is on the interview panel.

### Why this is a conflict of interest

This is a perceived conflict of interest, because Isla's relationship with the applicant is not close enough for her to have any loyalty toward them that could bias her decision making, but from the outside other people may think this is the case.

Isla speaks to her manager about this. They agree that given how distant this relationship is, it does not pose an actual conflict of interest. To manage the perception of a conflict of interest Isla and her manager agree the following plan:

Management Plan
<ul style="list-style-type: none"><li>• Isla will tell the other interview panel members about her connection to this candidate.</li><li>• Decisions about hiring will be made by the three-person hiring panel, as is normal process.</li><li>• The panel will keep written notes from the interviews, including their scores for responses to questions, so if anyone raises a concern about the process there is clear documentation of how decisions were made.</li><li>• A written file note recording Isla's connection to the applicant is saved and sent to HR, as well as noted on the panel documentation for review and sign-off.</li></ul>

### Follow up actions

- If the candidate is successful, Isla will revisit this plan to consider whether any further mitigations are needed.

## Scenario 8: Friend applying for agency role

### The situation

Ihaia's friend Ben has spoken to him about applying for a role at the government agency where Ihaia works. Ihaia is not involved in the recruitment process, but he knows the hiring manager and does similar work in his own team. Ihaia is not sure what information he can share with Ben and does not want to give him an unfair advantage over other candidates.

### Why this is a conflict of interest

This is a potential conflict of interest that could become an actual conflict of interest if Ben asked Ihaia for confidential information about the role or application process (for example, what the interview questions are or what answers he should give on a written exercise). It would give Ben an unfair advantage if Ihaia provided him with confidential information about the job or interview process that is not publicly available to all candidates.

Ihaia speaks to his manager about this at their next catch up. They agree:

### Management Plan

- Ihaia cannot provide Ben with any confidential information about the job or application process, but it would be ok for him to talk to Ben generally about the work the agency does and what the role involves, as this is all publicly available information.
- It is also fine for him to talk generally about his impressions of the team and what he enjoys and finds challenging about their work. The job advertisement says candidates can contact the hiring manager if they wish to learn more about the role before applying, so Ben would not be advantaged over other candidates.

### Follow up actions

- If Ben gets the job, Ihaia and his manager will review the plan and decide if any other mitigations are required, and whether a management plan should be logged with HR.

# Secondary employment and volunteer work

## Things to think about:

- Does the secondary employment or volunteer work conflict with the person's role or agency functions? This includes things like the responsibilities owed to each organisation, the information the staff member has access to, and whether it is clear to others which role the person is undertaking.
- Are there risks that work resources could be used for secondary work or volunteer work?
- Is there overlap in terms of the topics the staff member works on or people and organisations they work with? Is there a risk they could use work information for their secondary or voluntary employment?
- Does the time commitment of any secondary employment or voluntary role impact a person's ability to perform their public sector role and manage their own safety and wellbeing?
- Do your agency policies or the staff member's employment agreements set out any requirements around secondary employment you need to consider?

## Scenario 9: Staff member volunteers at community group and approves applications for funding for community groups

### The situation

Mathew works for a team in a government department that assesses and approves funding applications from community groups. He also volunteers at his local community centre, which runs classes and delivers services in his neighbourhood. The community centre receives government funding to help deliver its services and is likely to apply for funding from Mathew's agency in the next couple of months.

### Why this is a conflict of interest

This is an actual conflict of interest, as the loyalties Mathew has to his community centre conflict with his work duty to assess funding applications fairly and impartially. As a public servant, Mathew has to assess all funding applications on their merits, but he may (consciously or unconsciously) show favouritism to an application from the centre he volunteers at. Even if he does not show any favouritism when processing the application, other people may perceive that he was biased due to his connection.

On the other side, the community group know about Mathew's work and may ask him to write their application because he understands how the process works. The community centre would be advantaged because Mathew has insider knowledge about processes and what the agency looks for in an application. The centre may ask Mathew to share information from his work to help bolster their application.

Mathew and his manager talk about his work with community centre and agree a plan to manage the conflict:

Management Plan
<ul style="list-style-type: none"> <li>• Mathew will not be involved in assessing any application from his community centre, instead another team member will assess the application.</li> <li>• The team will be told that Mathew volunteers at the centre and will not be involved in any discussions about the community centre's application.</li> <li>• If necessary, Mathew will step out of any meetings where the centre's application is discussed.</li> <li>• Mathew will explain to the centre that he cannot be involved in the funding application because it would give the centre an unfair advantage over other applicants.</li> <li>• If asked, Mathew will direct the centre to the publicly available information about submitting a funding application but will not provide any information that is not publicly available, such as how applications are assessed.</li> </ul>
Follow up actions
<ul style="list-style-type: none"> <li>• While the application is being processed Mathew's manager will check in with him at their weekly catch ups to make sure the management plan is working.</li> <li>• The plan will remain in place even after the application is processed, as the centre may apply for funding again in the future.</li> <li>• A copy of the plan will be sent to HR, so it is on the record if anyone raises any concerns.</li> </ul>

## Scenario 10: Staff member has secondary employment as a rideshare driver

### The situation

Jack works part time as a customer service representative for a government department and drives cars for a rideshare company sometimes on the weekend. He has never run into any of his colleagues or work clients doing his rideshare job. He is unsure of whether this counts as a conflict of interest.

### Why this is not a conflict of interest

This is not a conflict of interest, as there is no conflict between Jack's work obligations as a customer service representative and his secondary employment as a rideshare driver. Working for a public sector agency would not advantage or disadvantage Jack in his work as a driver (or vice versa). If Jack's public sector role was different (for example, if it involved developing transport policy related to rideshare companies) there could be a conflict of interest between his two roles.

While a conflict of interest management plan is not needed, Jack's employment agreement still requires him to declare secondary employment to his manager. Jack and his manager meet with an HR team member to talk about managing secondary employment and ensuring working a



second job does not negatively impact Jack's health and wellbeing, or his performance in his public sector role. Jack's declaration of secondary employment and the plan made around managing his wellbeing and performance is saved centrally by the HR team member.

# Political interests

## Things to think about:

- Public servants have the same rights to freedom of speech and political activity in their private lives as other New Zealanders. However, in serving the government of the day public servants must be politically neutral and avoid behaving in a way that undermines the political neutrality of the public service.
- How senior is the staff member? Do they have regular, direct contact with Ministers or publicly represent their agency?
- Do they work in a Minister's office or provide advice to Ministers on an issue that is the subject of political activity?
- What is the scope and scale of their political activity? A high profile role for a political party, like spokesperson on an issue, is more likely to undermine political neutrality than something like delivering leaflets.
- Is the political activity likely to negatively impact the confidence of Ministers or the public in the political neutrality of the public sector?

## Scenario 11: Staff member volunteers for a political party

### The situation

Ana is an advisor in a policy team at her agency and is also a member of a political party. She is an active member of the party, helps out at local events, regularly attends national conferences and gets involved in local campaigning during the election period (e.g. handing out flyers to the community and door knocking). Ana is not very senior at work, and although she helps develop policy she does not meet directly with her Minister.

### Why this is a conflict of interest

This is a potential conflict of interest. If Ana's involvement with the party changed it may conflict with the requirement that public servants behave in a politically neutral way and trigger the progression of this from a potential to an actual conflict of interest. For example, if Ana became involved in developing policies for the political party that directly relate to her area of work, it could lead people to question whether she can be politically neutral in the advice that she provides or whether she is sharing confidential government information with the political party. If Ana's work role changed it could also trigger the progression of this matter from a potential to an actual conflict of interest, for example if Ana moves into a senior role at work that involves regular, direct contact with Ministers or advising Ministers on politically topical issues.

Ana and her manager discuss the situation and agree it is manageable because her work role does not involve signing out policy advice or having direct contact with Ministers. In turn, her political activity is relatively low profile and does not involve policy development. To manage the potential conflict of interest they propose that Ana will:

### **Management Plan**

- Tell her manager before changing the scope or scale of her involvement with the political party (e.g. publicly representing the party or getting involved developing policy for the party that relates to her work area) to assess whether it is manageable.
- Not publicly criticise or comment on policies or projects her agency is involved with.
- Make sure she is not identifiable as an agency employee when campaigning (for example by removing her work branded lanyard when door knocking and using her personal email not her work email when signing up to political party mailing lists)
- Remove any reference to her employer from her social media accounts, so it is clear when she is posting as an individual rather than on behalf of her agency. On LinkedIn, which does list Ana's employer, she will not make or engage with political comments.
- Continue to have her policy work reviewed and signed off through existing oversight mechanisms (peer reviews, QA panels and managerial sign off) to ensure advice is robust, evidence-based and representative of the agency's position.

### **Follow up actions**

- Before Ana changes the scope or scale of her political activities, she will talk to her manager.
- If Ana applies for a different role in the organisation, she will advise the hiring panel about her political involvement, to make sure it would be manageable in the new role.
- Ana and her manager agree to discuss the plan regularly at their catch-ups to make sure it remains fit for purpose.
- A copy of the plan will be sent to HR to store centrally.

# Lived experience and personal identity

## Things to think about:

- Public servants are entitled to their own personal views, which may be based on their lived experience or identity. They may even be asked to draw on their personal experience while carrying out work. While having lived experience that relates to a public sector role is not an inherent conflict of interest, in some situations it could create the risk a staff member has a predetermined view. Predetermination is not technically a conflict of interest but it can create a similar risk that a decision will be seen as biased or unfair.
- Has the staff member done or said anything to indicate they have a predetermined view as a result of their experience or personal identity?
- Are there processes in place to ensure work is evidence based and not the result of a predetermined opinion?
- Personal factors like ethnicity, religion or age will not usually constitute a predetermined opinion, unless they result in the staff member having a strongly held view that relates to the matter they are working on.

## Scenario 12: Disabled staff member working on accessible housing

### The situation

Jessie is a disabled public servant working on accessible housing policy for a Crown entity. Her role involves providing advice and operational solutions to make sure housing options are accessible for people with disabilities. Jessie uses a wheelchair, and her own experiences help inform her advice. She is not sure if this is a conflict of interest and discusses it with her manager.

### Why this is not a conflict of interest

Jessie and her manager agree that being a member of the disabled community and working on accessible housing advice is not itself a conflict of interest. All public servants belong to groups based on things like gender, age and ethnicity, and it is not inherently a conflict of interest for someone to work in an area that relates to their own experiences or identity. Jessie and her manager discuss the importance of keeping an open mind and following an evidence-based approach to ensure work is robust and not the result of a predetermined view.

If Jessie said something to show her mind was made up before starting a piece of work, or if she refused to adjust her opinion in light of new evidence, this would indicate a predetermined view. An example of this could be if Jessie continued to promote an accessibility solution that worked well for her, ignoring the advice of experts and other community members who recommend a different approach.

# Appendix One:

## Disclosure of Interest form (including management plan) example

<b>Name</b>	
<b>Title</b>	

### Details of interest(s):

(tick box that applies)

- ☐ I have no interests to declare
- ☐ I have the following interest(s) to declare:

Description of interest	Type of interest – actual, potential or perceived conflict	Management plan

Further details may be included on a separate sheet and attached to this disclosure.<sup>3</sup>

This declaration is subject to an annual review.

### Declaration

To the best of my knowledge, the information I have provided above is correct, complete, and accurate, and declares all the interests that may be reasonably regarded as giving rise to a conflict of interest or a potential conflict of interest as defined in the [insert agency name] Conflicts of Interest Policy. If the information I have provided above changes in any material way, I will update the information as soon as reasonably possible.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

### Manager's approval

I have reviewed the contents of this completed disclosure of interests form; I agree that the interest is of the type recorded and I approve the management plan proposed.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

### Privacy statement

We are collecting this information from you to ensure all conflicts of interest are appropriately declared and managed in accordance with the Conflicts of Interest Policy. This information will be stored securely in the Conflicts of Interest Register which only the Legal Team has access to and will be added to your personnel file managed by the People Team. This information will be shared with your manager and may also be shared with your DCE/DC and any other persons where necessary to manage your conflict. If you wish to get a copy of this information and/or wish to update or correct the information, please contact the Legal Team.

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<sup>3</sup> If this form is used in relation to a specific assignment or task, the subject matter of the assignment or task should be stated.

# Appendix Two:

## Further reading

Past reviews into the management of public sector conflicts of interest are useful real-world examples of how to manage conflicts of interest. These examples may be particularly useful for senior leaders when considering how to manage their conflicts of interest.

Review	Summary of review findings
<p><i>Inquiry into how government agencies protected personal information provided for the 2023 Census and COVID 19 vaccination purposes, on behalf of Te Kawa Mataaho Public Service Commission, 5 December 2024</i></p> <p><a href="#">Findings of Inquiry</a></p> <p>Reviewers - Pania Gray and Michael Heron KC.</p>	<p>The inquiry looked at how government agencies protected personal information provided for the 2023 Census and COVID 19 vaccination purposes.</p> <p>The investigation found the Ministry of Health and Health NZ had no safeguards in place for addressing the possibility of conflicts of interest arising from the sharing of personal health information with the relevant service providers.</p> <p>It also noted the Contract for Services between Statistics NZ and a supplier did not expressly provide for conflicts of interest that may arise with subcontractors.</p>
<p><i>Independent Review Into Complaints About Kiwi Deaths, Department of Conservation, July 2023</i></p> <p><a href="#">Shanks independent review of Cape Sanctuary</a></p> <p>Reviewer – David Shanks.</p>	<p>The review considered complaints of mismanagement of kiwi at Cape Sanctuary and the causes of kiwi deaths over 2016/2017. Regarding the Department of Conservation's (DOC) management of conflicts of interest, the report found:</p> <ul style="list-style-type: none"><li>• There was no evidence the Director General (DG) of DOC and the Founder of the Sanctuary were close personal friends, or that the DG sought to directly influence decisions relating to the sanctuary. However, the DG and Founder did have a business relationship and the regulatory responsibilities that DOC held meant that contacts between the DG and the Founder needed to be managed and documented carefully.</li></ul> <p>While DOC did appear to have in place adequate policies and requirements in relation to conflicts of interest and gifts and hospitality, there is evidence that these policies and expectations were not met in one instance of the DG accepting, but failing to disclose, hospitality from the Sanctuary in 2017.</p>

Review	Summary of review findings
<p><i>Conflicts of Interest – Review of agency practices, 12 December 2022</i></p> <p><a href="#">Review of agency management of conflicts of interests</a></p> <p>Reviewer – Public Service Commission</p>	<p>The review looked into whether public service agencies appropriately managed conflicts of interest in their contractual relationships with two consultancy firms whose directors were related to a government Minister.</p> <p>The review revealed no evidence of favouritism, bias or undue influence over agency decisions, but that agency procurement fell short of the high standards expected by public service agencies.</p>
<p><i>Conflict of Interest Management - Review for the New Zealand Film Commission Board, 19 August 2022</i></p> <p><a href="#">Report to NZFC Board advises conflict management needs improvement</a></p> <p>Reviewer – Venter consulting</p>	<p>The review was commissioned to determine whether conflicts of interest arising from New Zealand Film Commission (NZFC) CE's personal interests had been appropriately disclosed and managed. Key findings (see p.6-9 for all findings) included:</p> <ul style="list-style-type: none"> <li>• The NZFC Board acted appropriately and responsibly in seeking legal advice about how to manage the conflict and in line with good practice by notifying external stakeholders about the conflict.</li> <li>• The Board did not document the decisions it made in relation to legal advice it received, and the CE's conflict of interest management plan was not documented.</li> <li>• Key steps approved by the Board to manage the conflict were not implemented and not all relevant people were told about the interests, how they were being managed and how concerns could be raised. Ongoing monitoring of the management plan did not occur.</li> <li>• The Board did not appropriately manage informal disclosures from the CE about a change to his interests in the form of an application to a fund managed by NZFC.</li> </ul>
<p><i>A review of an aspect of the process for the appointment of KiwiSaver Default Providers for the term starting 1 December 2021</i></p>	<p>The review considered whether the disclosure of a potential conflict of interest by the former Chief Executive (CE) of the Financial Markets Authority (FMA) was appropriately managed in the process of the appointment of KiwiSaver default providers. Four shortcomings were noted:</p>

Review	Summary of review findings
<p data-bbox="156 257 576 371"> <a href="#">Review of aspect of process for appointment of KiwiSaver Default Providers</a> </p> <p data-bbox="156 450 568 483">Reviewer - Kristy McDonald KC</p>	<ul data-bbox="611 257 1382 784" style="list-style-type: none"> <li data-bbox="611 257 1342 336">• The failure to disclose the conflict of interest to the Minister.</li> <li data-bbox="611 347 1382 425">• The FMA's record keeping in relation to the conflict of interest.</li> <li data-bbox="611 436 1315 604">• Management of the Chief Executive conflict, specifically that it was not made known to the relevant Chair or Board as early as it should have been.</li> <li data-bbox="611 616 1374 784">• Adequacy of Conflict Policy. The FMA's conflict policy referred to staff disclosing conflicts to their manager but did not address how conflicts of the CE should be managed.</li> </ul>