

Decision maker responsibilities regarding conflicts of interest in recruitment

Recruitment and selection fact sheet

Purpose: this fact sheet is guidance material to support the directive relating to recruitment and selection. It explains the responsibilities for decision makers in declaring their own conflicts of interest and approving [Conflicts of interest in recruitment declarations form](#).

If you are a **decision maker** in a recruitment and selection process, you are responsible for:

- reviewing Conflicts of interest in recruitment declarations forms from a relevant person involved in the recruitment activities, such as a panel member or hiring manager; and
- approving resolution and mitigation strategies to address the conflicts of interest.

Review and approve Conflicts of interest in recruitment declarations form

1. Review declarations

- Review Sections A and B in the Conflicts of interest in recruitment declarations form to determine whether all relevant knowledge and relationships have **been declared and appropriately assessed** as either no conflict of interest (Section A) or a conflict of interest (Section B).
- If needed, request additional information to clarify the declaration made.
- For further information refer to the guidance below and the *Identifying conflicts of interest fact sheet* available on the [Identify and manage a conflict of interest in recruitment](#) page.

2. Review proposed resolution and mitigation strategies

- Review Section C of the Conflicts of interest in recruitment declarations form to ensure proposed strategies for declared conflicts of interest are **proportionate, effective and manage the conflict in the public interest**.
- Make further enquiries if necessary to determine the most appropriate and practical approach.
- For further information refer to the *Resolution or mitigation strategies fact sheet* on the [Identify and manage a conflict of interest in recruitment](#) page.

3. Finalise the form

- If required, ask the relevant person (e.g. panel member) to revise their declaration or make amendments directly on the form yourself to ensure accuracy and completeness.
- Complete the decision maker section in the form, including your declarations.
- Sign and return the form to the panel chair or relevant person for action and inclusion in the selection documentation.



Consult your local human resources team to confirm delegation arrangements within your public sector entity. This includes understanding who is authorised to receive declarations as part of a recruitment and selection process, decide whether a conflict of interest exists, and determine the appropriate management plan.

When you (as decision-maker) or others are nominated as a referee

If you, or a relevant person involved in recruitment activities, becomes aware they have been nominated as a referee for an applicant, this must be declared in the:

- the Conflicts of interest in recruitment declarations form, or
- the selection report.

The relationship between the referee and the applicant must be assessed to determine whether it amounts to a conflict of interest.

Being a referee for an applicant **does not automatically amount to a conflict of interest or require the person's exclusion** from the recruitment and selection process. However, as the decision maker, assess whether it is appropriate for the referee to participate in the recruitment and selection activities (e.g. as the hiring manager, panel member or decision maker).

Each circumstance is unique and must be assessed on a case-by-case basis.

Factors you can consider:

- **appropriateness of the referee:** the directive relating to recruitment and selection requires that at least one referee must have thorough knowledge of the applicant's conduct and performance within the previous two years – consider whether the relevant person is the most appropriate referee to meet this requirement
- **impact on the applicant:** consider whether asking for another referee would disadvantage the applicant (e.g. where they cannot nominate an alternative suitable referee)
- **nature of the relationship:** evaluate the nature of the relationship between the relevant person and the applicant to determine whether it could amount to an actual or perceived conflict of interest and identify the most appropriate way to manage this.

If you identify concerns with the relevant person being a referee and their involvement in the recruitment activities, you may consider the following strategies:

- complete the referee report prior to the commencement of shortlisting
- ensure there is an independent panel member that is not a referee for any of the applicants
- obtain an additional referee report
- ask the applicant to nominate a different referee and advise them on suitable alternatives (e.g. a current or former manager from a different team within the organisation or a client who has thorough knowledge of the applicant's conduct and performance within the previous two years)
- exclude the relevant person from acting as a referee for the applicant.

Declare your own conflicts of interest and other professional relationships

As a decision maker, you should declare:

- any knowledge or relationships that do not amount to a conflict of interest (if relevant)
- any actual, potential or perceived conflicts of interest, or
- confirm there are no conflicts of interest when reviewing and approving the selection documentation.

This requirement applies in **all recruitment and selection processes**, including making a decision to direct appoint or limit advertising.

Declarations are to be documented using the **decision maker's section** at the end of the [Conflicts of interest in recruitment declarations form](#). If this form is not used (for example, in a direct appointment process), record your declaration in a briefing note or other appropriate means.

Timing of declarations

To ensure transparency and accountability, it is best practice to make your declaration in line with the requirements for panel members (i.e. at the time applications are received, but prior to shortlisting commencing).

However, in certain circumstances (such as bulk recruitment involving a large number of applicants) it may not be practical to declare conflicts of interest prior to shortlisting. In this case, you must make your declaration at the time of reviewing and approving the selection documentation.

Case scenario

You are the decision maker for a recruitment and selection process and have received the conflict of interest declarations from panel members and a list of the applicants names. Upon reviewing the list, you notice that a close friend has applied for the role.

What should you do?

Option A – This situation is a potential conflict of interest. You should declare the potential conflict and acknowledge that it may impact your ability to act as the decision maker in the future (e.g. at the time of reviewing and approving the selection report if your close friend progresses past shortlisting).

Option B – This situation constitutes an actual conflict of interest. Best practice would be to declare the conflict immediately and withdraw yourself from the process as the decision maker.

The answer

While this situation could be considered a potential conflict of interest because your close friend has applied for the role but has not yet been shortlisted, best practice is to declare this as an actual conflict of interest and withdraw yourself from the role of decision maker immediately.

This approach is recommended for the following reasons:

- your continued involvement could create the perception that your close friend has an advantage in the process or that your position may unfairly influence decision-making of the selection panel or the panel members' conflict of interest declarations
- if you remain in the process and your close friend is shortlisted, you will need to declare this as an actual conflict of interest and withdraw as the decision maker prior to approving the selection report. This could disrupt the process and require additional time and resources
- withdrawing early supports a commitment to transparency and supports the credibility of the process, particularly if it is scrutinised in the future.