



Conflict of Interest Policy

Introduction

A conflict of interest occurs when the commitments and obligations owed by an individual to the College or other bodies are likely to be compromised or may appear to be compromised by:

- a) The individual's personal gain, or gain to immediate family (or a person with whom the individual has a close personal relationship)
- b) The commitments and obligations the individual owes to another person or body.

On occasion, staff activities, whether they are usual College duties or outside activities, may give rise to conflicts of interest, whether potential or actual, perceived or alleged. It is recognized that it is inevitable that conflicts of interest sometimes occur. The issue is not the integrity of the individual concerned but the proper management of the situation.

Examples of conflicts of interest include:

- Staff being involved with other organisations that are competing for the same funding
- Staff having a share or relative in a business that may be awarded a contract to do work or provide services for the college
- Staff receiving payment for a service provided to the college, such as painting the College's premises, or legal or accountancy services
- Members of staff or their relative receiving services provided by the College where decisions are taken about the costs or continuing viability of those services
- Staff accepting hospitality and gifts.

The key to managing conflicts of interest is to ensure that they are declared. It is not the College's intention or desire to prevent members of staff from carrying out their normal spare time activities.

All staff are required to recognize and declare activities or circumstances that might give rise to conflicts of interest or the perception of conflicts and to ensure that such conflicts are seen to be properly managed or avoided.

If properly managed, the activity or situation can usually proceed as normal whilst at the same time upholding the individual's obligations to the College, meeting regulatory and other external

requirements and protecting the integrity and reputation of the College and its members. By contract, conflicts which are not managed effectively may jeopardize the College's public standing and may cause serious damage to the reputation of the College and of the individuals concerned.

2. Scope

This policy applies to all staff at the College (employed and self-employed). They also apply to any researchers or volunteers who are carrying out work for or on behalf of the College.

It is the primary responsibility of each individual:

- To recognise situations in which s/he has a conflict of interest, or might reasonably be seen by others to have a conflict.
- To disclose that potential conflict to the appropriate person as soon as it is recognised as such; and
- To take such further steps as may be appropriate as set out in more detail under the procedure below (see appendix 1)

Whilst this document describes and provides guidelines for many situations in which conflicts can arise, it is not meant to be exhaustive. If an individual is uncertain about how this policy/procedure might affect his or her activities or has any questions about its application, s/he should contact his/her manager in the first instance.

3. Where a conflict of interest may arise

Conflicts of interest may be financial or non-financial or both.

There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. Thus it is important for all individuals when evaluating a potential conflict of interest to consider how it might be perceived by others.

The duty to declare a possible conflict applies to the perception of the situation rather than the actual existence of a conflict. However, this duty is not infringed if the situation cannot reasonably be regarded as likely to give rise to a conflict of interest.

4. Gifts and Hospitality

Members of staff must advise gifts or hospitality with a nominal value of £10 or more in writing, through relevant management, to the Principal, to include reasons for acceptance. Acceptance may be conditional upon onward donation to charities, staff raffles etc. The written agreement of the Principal must be obtained. Failure to adhere to this process may result in disciplinary action.

5. Financial conflicts of interest

A financial conflict of interest, for the purposes of this guidance, is one where there is or appears to be opportunity for personal financial gain, financial gain to close relatives or close friends, or

where it might be reasonable for another party to take the view that financial benefits might affect that individual's actions.

Financial interest means anything of monetary value, for example:

- a) Payments for services
- b) Equity interests (e.g. stocks/stock options or other ownership interests)
- c) Intellectual property rights (e.g. in house resources/College property)
- d) Hospitality and/or gifts

The level of financial interest is not the determining factor as to whether a conflict should be disclosed. What might be 'not material' or 'not significant' for one person might be very significant for another. Good practice in many situations will mean the disclosure of any financial interest, however small. A conflict will arise if the interest might provide, or be reasonably seen by others to provide, an *incentive* to the individual which affects his/her actions and where s/he has the *opportunity* to affect a College decision or other activity.

6. Non-financial conflicts of interest

Non-financial interests can also come into conflict, or be perceived to come into conflict, with an individual's obligations or commitments to the College or to other bodies. Such non-financial interest may include any benefit or advantage, including, but not limited to, direct or indirect enhancements of an individual's career or gain to immediate family of a person with whom the individual has a close personal relationship.

Examples of non-financial conflicts of interest include:

- Pressure or temptation to accept gifts, inducements or hospitality
- Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the individual has a close personal relationship
- Acting as a trustee of a charity which makes grants to the College
- A member of staff has or develops a close personal relationship with a colleague

7. Teaching

Some examples of situations that could give rise to conflicts of interest include:

- a. A member of teaching staff has or develops a close personal relationship with a student or member of the family of a student for whom they have responsibility for grading work
- b. A member of staff investigating a potential disciplinary matter has or develops a close personal relationship with a student involved in the investigation or a member of that student's family
- c. Working as a visiting lecturer at another school/college/university

8. Other examples of possible conflicts of interest

- A researcher has financial interest in the licensee (or proposed licensee) of college intellectual property.
- A staff member takes part in the negotiation of a contract between the college and a company, where the staff member or his or her family or a close personal friend has a financial or non-financial interest (e.g. a Principalship) in that company.

9. Declaring a potential conflict of interest

The general rule is that a declaration should be made at the time the conflict first arises, or when it is recognized that a conflict might be perceived, using the form available from Reception. If any senior staff members have an interest to be discussed, the disclosure shall be made in person at the next higher level of authority. In most cases, this will be to the Principal.

Many situations will require nothing more than a declaration on the attached form and a brief written report of that declaration, which must be held in the College's records.

10. Failure to disclose

Failure to seek approval for and/or disclose complete and accurate information on interests, or to appropriately manage a Conflict of Interest as agreed may constitute misconduct and result in disciplinary action being taken by the College.

Appendix A: Declaration of conflict of interest form

Notes

1. This form is to be used for notifications of potential conflict of interest.
2. The completed form should be sent to the Academic Manager or Business Support Officer:

Details

Name:	Tel:
Current role:	Email:
<p>Description of the potential conflict of interest: This may include the name of any organisation involved and any role held within that organisation; the nature of any activity that may pose a conflict of interest (if known); and any start or end dates of the activity (if known)</p>	
<p>Any other information which might be helpful (including external activities for which permission is not required but which may need to be taken into account when considering the application)</p>	

Member of Staff (signed): _____ Date: _____

Decision of Principal

- There is no perceived conflict of interest and the individual can be advised to proceed as originally proposed
- The conflict of interest is recognised as such, a note is made and appropriate action is taken:
 - The individual is permitted to continue with the activity
 - The activity continues, but other parties are informed of the possible conflict
 - The activity is altered to avoid the possible conflict of interest
 - The individual is advised to withdraw from the activity
 - An ongoing problem is identified and the issue is referred to the Principal