

POLICY/ PROCEDURE

Document Title	Conflict of Interest Policy and Procedure
Version	1.0
Approved by	Executive Team
Date approved	12th December 2020
Last review date	12th December 2021
Date of next review	1st November 2022
Lead responsibility	Vice Principal Curriculum and Quality

1. Purpose

- 1.1. The purpose of this Policy is to encourage the disclosure of actual, potential or perceived conflicts of interest in order to protect the integrity and reputation of the College and its employees. The College acknowledges that there is a wide range of situations in which conflicts of interest may arise and strongly encourages members of staff to seek advice where necessary and by encouraging the declaration of conflicts of relevant interests so that they may be appropriately managed.

2. Definitions

- 2.1. A conflict of interest is deemed to exist where:

- The interests of the College in any activity undertaken by it, on its behalf or by a member of its staff have the potential to lead it to act contrary to its interests of the development, delivery and award of qualifications in accordance with its conditions of registration by the awarding body;
- A person who is connected to the development, delivery or award of qualifications by the awarding organisation has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award in accordance with the awarding organisation's policies;
- There is an actual or potential risk or a perceived conflict in duties between acting in the best interests of the College and formal and/or informal commitments, obligations or undertakings to another body/association/ affiliation in relation to the same or related matters.

- 2.2. Examples of Potential Conflicts of Interests are listed in Annex A.

3. Scope

- 3.1 This Policy applies to all Derwentside College employees, governors, and learners. Those to whom the policy applies will be made aware of the policy and will be encouraged to report any conflict of interest between the interests of the College on the one hand and personal, professional and business interests on the other so they may be appropriately managed. The policy seeks to promote the management of the perception of conflicts of interest as well as actual conflicts.

4. Roles & Responsibilities

- 4.1. It is the responsibility of each individual to recognise situations in which questions of conflict of interest on their part might reasonably be raised, and to disclose such situations to the College by taking the appropriate steps identified in this Policy.
- 4.2. The College has the responsibility for investigating any conflicts of interests, ensuring all findings are documented and sufficient measures put in place to ensure conflicts do not arise or are eliminated. All managers and Curriculum Leaders are responsible for ensuring that they and their team members follow the requirements set out in this document.

5. When Should a Conflict of Interest be Declared?

- 5.1. Every member of the College should promote the College Values¹ and therefore declare any interests that might lead to an actual, potential or perceived conflict of interest as soon as they are aware of them. An individual may not themselves determine whether there is a conflict and, if so, how it is managed. The College will be able to manage any actual, potential or perceived conflicts of interest more easily and readily if they are aware of such conflicts from the outset. While an interest may not appear to give rise to a conflict, in the interests of transparency, it should be declared.

¹ Trust, Respect, Excellence, Enjoyment, Enterprise

5.2. Where an individual covered by this policy is also a board member or director of any funding organisation proposing to fund an activity at the College there may be a potential conflict of interest. In such a situation, to ensure that any conflict of interest is adequately managed, the individual should declare the interest to the College. This is important as board members' affiliations should be appropriately managed to ensure that decisions are not influenced, or be perceived to be influenced, by personal interests. Management of conflicts of interest will also limit the potential for reputational risk for both organisations.

5.3. **Failure to disclose an interest, providing an incomplete or inaccurate disclosure, failing to seek approval or failing to appropriately manage a Conflict of Interest may constitute misconduct or a breach of conditions of registration and may result in disciplinary action being taken by the College.**

6. How to Declare a Conflict of Interest

6.1. Whilst it is primarily the duty of the individual to declare interests, others, such as a manager, may become aware of conflict of interest and should therefore make a declaration.

6.2. In order to report on the operation of this policy all declarations of conflicts of interest should be recorded on the College Conflict of Interest Declaration Form and reported to the Head of Classroom Provision and (or) Vice Principal Curriculum and Quality.

6.3. All declared actual, potential or perceived conflicts of interests should be considered by a Head of Classroom Provision and (or) Vice Principal Curriculum and Quality. The reviewer should determine what, if any, further action is required. Individuals should not determine how to appropriately manage their declarations considering:

- The seriousness of the actual, potential or perceived conflict;
- how closely the two interests concern each other;
- the magnitude of the actual, potential or perceived effect of one on the other;
- the nature or significance of the particular decision or activity being carried out;
- the extent to which the individual's other interest could actually affect or be perceived to affect the College's decision or activity;
- the nature or extent of the individual's current or intended involvement in the College's decision or activity.

7. Managing Conflict of Interests

7.1. It is the responsibility of all staff to declare all conflicts of interest. Any undeclared conflicts of interest and instances where assessment has taken place where conflicts of interest exists may be investigated in line with awarding body policies.

7.2. Any and all conflict of interests pertaining to the assessment of Vocational Qualifications will be declared to the awarding body. Each individual involved in the assessment process is responsible for declaring any conflict of interest. Where the College is able to mitigate against a declared conflict of interest, the mitigation will be included in the declaration.

7.3. In instances where the College cannot mitigate against a conflict of interest (for example, where the only qualified assessor and internal verifier available at the College are related) the unresolved conflict will be declared to the awarding body to enable it to decide to mitigate through the external quality assurance process. The College Quality Nominee will be directly responsible for ensuring the submission of declarations of conflict of interest to the awarding body.

8. Potential Outcomes

- 8.1. Where the Head of Classroom Provision and (or) Vice Principal Curriculum and Quality determines that there is no conflict of interest, this should be formally recorded. An explanation and any supporting documentation should be included as to why it was concluded that no conflict arose.
- 8.2. In the instance that the overlap of two or more interests is so slight that it does not constitute a real conflict of interest, for example, where the connection between the interests is remote or insignificant, then it may be determined that such interests do not represent a conflict.
- 8.3. Once a conflict of interest is deemed to exist the Head of Classroom Provision and (or) Vice Principal Curriculum and Quality will determine the appropriate resolution. These may include:
 - **Continue:** be permitted to continue, where the conflict is considered to be insignificant;
 - **Continue:** seek a formal exemption to allow participation (if such a legal power applies);
 - **Continue with restrictions or additional oversight:** additional oversight or review over their activity in relation to the particular project;
 - **Withdraw:** for the individual to withdraw from any discussions in relation to the particular project or from making any decisions in relation to the particular project;
 - **Reassign:** refer the decision, tasks or duties to others; or
 - **Relinquish:** for the individual to stand aside from any involvement in the particular project.

9. Accountability

- 9.1. The Vice Principal Curriculum and Quality is responsible for the drafting and implementation of this policy.
- 9.2. He or she is also responsible for ensuring that this document is regularly reviewed and updated - and is the first contact point for managers seeking advice and guidance about Conflict of Interests, or making enquiries about its interpretation.
- 9.3. All managers/ Curriculum Leaders are responsible for ensuring that they and their team members follow the requirements set out in this document.
- 9.4. All employees are responsible for adhering to the requirements set out in this document.

10. Equality, Diversity and Inclusion

- 10.1. The College will pay due regard to equality considerations during the preparation and implementation of this Policy and Procedure.
- 10.2. These considerations should include and will continue to include the potential for any differential negative effect on the grounds of age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, sexual orientation, marriage or civil partnership.
- 10.3. The College's judgement is that there is no such negative effect on those grounds and, consequently, no potential breach of the Equality Act 2010.
- 10.4. The operation of this Policy and Procedure will be monitored by the Head of Human Resources in order to establish that no unlawful discrimination is taking place and to identify opportunities for the College to enhance equality of opportunity and fair treatment.

11. Review

- 11.1. This document will be reviewed by 1st November 2022.
- 11.2. The Vice Principal Curriculum and Quality will undertake this review, considering the outcomes of the monitoring process, legislative changes and developments in good practice.
- 11.3. As part of the review, the Vice Principal Curriculum and Quality will seek and consider the views of the College's employees and of the recognised trade unions.
- 11.4. The outcome of the review will be reported to the Executive Leadership Team.

12. Document Identification

Category [select ONE only]	<input type="checkbox"/> Programmes/courses <input type="checkbox"/> Partnerships <input type="checkbox"/> Finance <input type="checkbox"/> Quality <input type="checkbox"/> Governance <input type="checkbox"/> Health and safety <input type="checkbox"/> Facilities <input type="checkbox"/> Computer Services <input checked="" type="checkbox"/> MIS <input type="checkbox"/> Admissions <input type="checkbox"/> Teaching and learning <input type="checkbox"/> Personnel
Audience [select ALL that apply]	<input checked="" type="checkbox"/> Employees <input checked="" type="checkbox"/> Learners <input checked="" type="checkbox"/> Partners <input checked="" type="checkbox"/> Suppliers

Annex A: Examples of Potential Conflicts of Interests

Paid employment - This includes self-employment, offices held (such as public appointments) or employment where regular income is received.

Trustee benefits - Trustee benefit is any instance where money or other property goods or services which have monetary value are received by the trustee. The law says that trustees cannot receive a benefit from their charity unless they have an adequate legal authority to do so. This does not include:

- a) reasonable expenses that Council Members are entitled to claim;
- b) remuneration and salary-related benefits that are provided for in the employment contracts of members of staff who are also Council Members.

Directorships - All paid directorships and unpaid directorships should be declared.

Relationships - Personal relationships may give rise to a conflict of interest as they may be seen to bias decisions relating to procurement, recruitment, allocation of duties, promotion, admissions or assessment.

Clients/Consultancy - Other than those identified above, clients to which services are provided (or through his or her employer or company) that arise out of college employment should be declared.

Gifts, Hospitality or Services - The College Gifts and Hospitality procedure should be followed.

Other - Interests that do not fall into the above categories but may give rise to a conflict. For example, unremunerated interests, positions of authority held or other significant involvement in other organisations, e.g. charitable or political or other educational bodies. It is particularly important for members of the governing body and senior management involved in procurement to disclose interests they have in, or with, any organisation from whom the College procures goods or services. Where the interest is of relevance to the business of the Corporation or one of its committees, the declaration shall be made as soon as practicable either at the meeting or in advance to the Chair.

Annex B - Conflict of Interest Declaration Form

Please complete this form if you believe that you may be involved in a conflict of interest situation or if you are unsure and seek to disclose a potential or perceived conflict of interest. Please read the College Conflict of Interest Policy.

SECTION 1: PERSONAL DETAILS			
NAME:	Click here to enter text.		
JOB TITLE / AREA OF RESPONSIBILITY:	Click here to enter text.		
PHONE:	Click here to enter text.	EMAIL:	Click here to enter text.

SECTION 2: DISCLOSURE DETAILS												
<p>The actual, potential or perceived conflict of interest relates to: <i>(tick all appropriate box/s)</i></p> <table border="0"> <tr> <td><input type="checkbox"/> Relationship with family or friends</td> <td><input type="checkbox"/> Staff recruitment</td> </tr> <tr> <td><input type="checkbox"/> Outside work activities (paid/unpaid)</td> <td><input type="checkbox"/> Relationship with external parties</td> </tr> <tr> <td><input type="checkbox"/> Financial interest</td> <td><input type="checkbox"/> Disposal of school assets</td> </tr> <tr> <td><input type="checkbox"/> Gifts/benefits</td> <td><input type="checkbox"/> Provision of external consultancy services</td> </tr> <tr> <td><input type="checkbox"/> Provision of private tutoring</td> <td><input type="checkbox"/> Other (if you selected other please provide details)</td> </tr> <tr> <td><input type="checkbox"/> Procurement of goods and services</td> <td></td> </tr> </table>	<input type="checkbox"/> Relationship with family or friends	<input type="checkbox"/> Staff recruitment	<input type="checkbox"/> Outside work activities (paid/unpaid)	<input type="checkbox"/> Relationship with external parties	<input type="checkbox"/> Financial interest	<input type="checkbox"/> Disposal of school assets	<input type="checkbox"/> Gifts/benefits	<input type="checkbox"/> Provision of external consultancy services	<input type="checkbox"/> Provision of private tutoring	<input type="checkbox"/> Other (if you selected other please provide details)	<input type="checkbox"/> Procurement of goods and services	
<input type="checkbox"/> Relationship with family or friends	<input type="checkbox"/> Staff recruitment											
<input type="checkbox"/> Outside work activities (paid/unpaid)	<input type="checkbox"/> Relationship with external parties											
<input type="checkbox"/> Financial interest	<input type="checkbox"/> Disposal of school assets											
<input type="checkbox"/> Gifts/benefits	<input type="checkbox"/> Provision of external consultancy services											
<input type="checkbox"/> Provision of private tutoring	<input type="checkbox"/> Other (if you selected other please provide details)											
<input type="checkbox"/> Procurement of goods and services												
<p>The following actual, potential or perceived conflict of interest has been identified. <i>(please insert all relevant details)</i></p> <p>Click here to enter text.</p>												
<p>The (actual, potential or perceived) conflict is expected to last: <i>(tick appropriate box)</i></p> <table border="0"> <tr> <td><input type="checkbox"/> 0–12 months</td> <td><input type="checkbox"/> >12 months or ongoing</td> </tr> </table>	<input type="checkbox"/> 0–12 months	<input type="checkbox"/> >12 months or ongoing										
<input type="checkbox"/> 0–12 months	<input type="checkbox"/> >12 months or ongoing											

SECTION 3: TO BE COMPLETED BY THE HEAD OF CLASSROOM PROVISION/ VP CURRICULUM AND QUALITY		
<p>In my opinion the details provided: <i>(tick appropriate box)</i></p> <table border="0"> <tr> <td><input type="checkbox"/> do not constitute a conflict of interest, and I authorise the employee to continue the activity (go to Section 4).</td> </tr> <tr> <td><input type="checkbox"/> do constitute an actual, potential or perceived conflict of interest (please provide a detailed action plan below).</td> </tr> </table> <p>If the situation does constitute a conflict of interest, please ensure that the following actions have been considered:</p> <ul style="list-style-type: none"> • ensure all information surrounding the conflict has been disclosed and documented • inform likely affected persons of the conflict, seeking their views where relevant as to whether they object • reformulate the scope of work or restricting access to certain information • recruit a third party to oversee part or all of the process • recommend to relinquish the interest that is causing the conflict • temporarily remove the person from the process or responsibilities • monitor the person's activities closely in relation to the conflict of interest • take no further action because the conflict is minimal 	<input type="checkbox"/> do not constitute a conflict of interest, and I authorise the employee to continue the activity (go to Section 4).	<input type="checkbox"/> do constitute an actual, potential or perceived conflict of interest (please provide a detailed action plan below).
<input type="checkbox"/> do not constitute a conflict of interest, and I authorise the employee to continue the activity (go to Section 4).		
<input type="checkbox"/> do constitute an actual, potential or perceived conflict of interest (please provide a detailed action plan below).		

I have reviewed the above considerations and request that the Employee takes the following action to eliminate/manage the conflict:

Click here to enter text.

I will ensure this action plan is reviewed:

- | | | |
|---|--|---|
| <input type="checkbox"/> Within 1 month | <input type="checkbox"/> Within 3 months | <input type="checkbox"/> Within 6 months |
| <input type="checkbox"/> Within 12 months | <input type="checkbox"/> Other – specify | <input type="checkbox"/> N/A: the conflict is one-off or short duration |

SECTION 4: EMPLOYEE'S DECLARATION

To the best of my knowledge and belief any actual, perceived or potential conflicts between my duties as an employee and my private and/or business interests have been fully disclosed in this form in accordance with the requirements of the Derwentside College Conflict of Interest Policy.

I acknowledge, and agree to comply with, any approach identified in this form for removing or managing an actual, perceived or potential conflict of interest.

SIGNATURE:

DATE:

SECTION 5: HEAD OF CLASSROOM PROVISION/ VICE PRINCIPAL CURRICULUM AND QUALITY

The actions described in the approach outlined in Section 3 have been put in place to effectively manage any actual, potential or perceived conflict of interest disclosed in Section 2. The approach outlined in Section 3 ensures that the Derwentside College's public interests and reputation is adequately protected.

NAME: Click here to enter text.

SIGNATURE:

DATE: