



## **Conflicts of Interest**

November 2023



## Contents

Context .....	- 3 -
Objectives and Scope .....	- 3 -
Responsibilities .....	- 4 -
Recognising Conflicts of Interest.....	- 4 -
Declaring Conflicts of Interest.....	- 5 -
Managing Conflicts of Interest.....	- 6 -
College Disciplinary Procedures.....	- 6 -
Declaration of Interest Form .....	- 7 -



## Context

- 1.1. The following policy on Conflicts of Interest is based on the policy approved by the University of Oxford on 15 July 2019.<sup>1</sup>
- 1.2. There is real benefit to the College in having trustees, fellows and senior staff with a wide range of personal and professional connections. These bring expertise, knowledge and inspiration. However, these connections need to be openly acknowledged and documented in order that they do not damage the integrity of the individual or the College.
- 1.3. Charity trustees have a legal duty to act only in the best interests of their charity<sup>2</sup>. They must not put themselves in a position where this duty may compete with any personal interest or duties to other people or organisations that they may have.
- 1.4. It is important to consider how a situation might be perceived by others. Apparent or perceived conflicts of interest can be as damaging to trustees and the College as actual conflicts of interest. Far more can be read into an apparent conflict of interest when it has not been openly declared.

## Objectives and Scope

- 2.1. This policy's objectives are to ensure that any conflicts of interest are identified and properly managed to avoid the reputation of trustees and the College being damaged and to avoid decisions being made that are not in the best interests of the College.
- 2.2. This policy applies to all Governing Body members, trustees and members of sub committees of Governing Body (including staff and external members of committees). The word 'trustee' is used in this policy to refer to all of these people.
- 2.3. This policy also applies to all College Officers including those who are not trustees of the College.

---

<sup>1</sup> Further good practice on how to handle conflicts of interest is published by the University of Oxford (<https://compliance.admin.ox.ac.uk/conflicts-of-interest>) in association with their Conflict of Interest Policy (on which this College Policy is based).

<sup>2</sup> See <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29/conflicts-of-interest-a-guide-for-charity-trustees>.



## Responsibilities

- 3.1. The Trustee Board is responsible for ensuring that there are robust systems in place for identifying and managing conflicts of interest. It is also responsible for making sure that all trustees have a clear understanding of this policy.
- 3.2. The Governance, Audit and Risk Committee (GARC) must maintain and regularly review the effectiveness of this policy and report to the Trustee Board that it has done so. GARC may, from time to time, review the Register of Interests and College committee minutes in order to determine that conflicts of interest are being properly managed.
- 3.3. Trustees and College Officers are responsible for identifying their own potential conflicts of interest and for declaring them. In cases of doubt, please consider discussing the matter with either the Principal or the Bursar.
- 3.4. Trustees and College Officers must avoid putting themselves in a position where their personal interests could conflict with their duty to act only in the best interests of the College.
- 3.5. The Secretary to the Trustee Board is responsible for maintaining the Register of Interests.
- 3.6. The Chair of the Trustee Board and the chairs of College committees, including Governing Body, are responsible for:
  - 3.6.1. reminding committee members of their duty to declare conflicts of interest;
  - 3.6.2. documenting any conflicts of interest and how the trustees have dealt with them. The usual way to record the trustees' decisions is in the minutes of the meeting.

## Recognising Conflicts of Interest

- 4.1. A conflict of interest arises where:
  - personal gain (or gain to someone in a close personal relationship, including family members) whether financial or otherwise; or
  - the commitments and obligations that person owes to another person or body mean that they do not act only in the best interests of the College.
- 4.2. There are two common types of conflict of interest: financial conflicts and loyalty conflicts. A detailed description and examples are provided by the Charity Commission <https://www.gov.uk/guidance/managing-conflicts-of-interest-in-a-charity#identify-conflicts-of-interest> and all trustees should familiarise themselves with this guidance.
- 4.3. For the purpose of this policy a person is treated as a family member if they live within your household or they are a close relative (i.e. spouse, parents, siblings, child or grandchild).



## Declaring Conflicts of Interest

5.1. It is the duty of every Trustee and College Officer to disclose any conflict of interest or any circumstances that might reasonably give rise to the perception of one. Three mechanisms will apply:

5.1.1. **Register of Interests:** The Secretary to the Trustee Board will ask all trustees and College Officers to complete a Declaration of Interest form each year.

5.1.2. **Declaration when interest arises:** trustees and College Officers should make a disclosure at the time that they first become aware that a conflict of interest has arisen, or a conflict might be perceived. This will include the receipt or offer of gifts and benefits. This should be made using the Declaration of Interests form appended to this policy and sent to the Secretary to the Trustee Board to include in the Register of Interests.

5.1.3. **Declaration when a matter is raised at committee:** At Trustee Board, Governing Body and other College committees, committee members must declare any interest that could give rise to conflict in relation to any item on the agenda at the beginning of the meeting. All interests so disclosed will be recorded in the minutes. The member shall excuse themselves from discussion or voting on that item, though if considered appropriate the chair may decide to admit them for discussion of the matter.

### 5.2. Declaring Gifts and Benefits

5.2.1. The offer or receipt of gifts and benefits by a supplier or business partner can create or appear to create a Conflict of Interest. Gifts and benefits received personally by any trustee or College Officer from students or visitors including guests attending an event, may often be a gesture of gratitude, but can create or appear to create a Conflict of Interest, and must be disclosed to the Bursar. Gifts given in a formal capacity to representatives of the College, for instance memorabilia presented by visiting delegations, may be intended as a gift to the College. As such they shall remain the property of the College and should be notified to the Bursar. The Bursar and other Officers will review periodically to decide how such gifts should be handled.

5.2.2. The College has set a threshold for declaration of gifts and benefits which is presently £25. Gifts and benefits of a lower value than this threshold, such as loyalty points, calendars, diaries, pens and mugs may be retained without disclosure. Any single gift or a combination of gifts and benefits from the same (or related) person or institution should be counted together to assess the value against the threshold.



## Managing Conflicts of Interest

- 6.1. Once a potential conflict of interest has been disclosed the College will take steps to ensure that it is managed transparently.
- 6.2. Trustees (and members of Governing Body)
  - 6.2.1. The Principal or Committee Chair will decide if the interest is likely to compromise the ability of the individual to make objective decisions on behalf of the College or if others might reasonably believe that it does so. If the Principal discloses a conflict of interest then this decision will be taken by Governing Body in their absence.
  - 6.2.2. If it is determined that a conflict of interest exists then the individual will be required to refrain from being involved in making any relevant decision. They may be asked to withdraw from the meeting whilst that matter is discussed unless expressly invited to remain solely in order to provide information.
  - 6.2.3. The conflict of interest and the protective steps taken will be recorded in the minutes of the meeting.
- 6.3. College Officers:
  - 6.3.1. The Principal or the Bursar will decide if the interest is likely to compromise the ability of the individual to conduct business on behalf of the College or if others might reasonably believe that it does so.
  - 6.3.2. If it is determined that a conflict of interest exists then the individual will be required to refrain from being involved in any relevant business on behalf of the College. The conflict of interest and the protective steps taken will be recorded in a conflict of interest statement and held in the Officer's personnel file for a period of three years.
  - 6.3.3. If the Principal or Bursar believes that a conflict of interest repeatedly or severely compromises the ability of a College Officer to carry out his duties effectively the issue may be referred to the HR Committee as a disciplinary matter. HR Committee may require the individual to dispose of their interest if they wish to remain in the College's employment. There shall be a right of appeal to the Trustee Board.
- 6.4. Where arrangements set out in this policy are deemed insufficient to resolve a conflict of interest, then reference shall be made to the wider provisions of the conflict of interest policy adopted by the University, and other sources of good practice.

## College Disciplinary Procedures



7.1. Failure to follow the provisions of this policy will be considered a serious matter and may lead to disciplinary action under the College's relevant disciplinary procedures.

7.2. Complaints that a trustee or College Officer has failed to disclose actual or potential conflicts of interest should be made in accordance with the College Complaints Procedure. Complaints should be made to the Chair of Trustees in the case of trustees and to the Bursar in the case of all others.

## Declaration of Interest Form

This form is to be completed in compliance with the College's Conflict of Interest Policy .

Governing Body Fellows, Trustees, members of College committees, and anyone in a role identified to have a particular risk, are asked to declare any **relevant interests**, applicable to themselves or those with whom they have a close personal relationship (this is defined in the policy). A relevant interest is one that is materially relevant to College business, or may reasonably appear so to an unbiased observer. To assist with this declaration, some categories of possible relevant interest are set out below.

I..... declare the following relevant interests in accordance with the Conflict of Interest Policy.

Category of conflict	Please give details of relevant interests
Existing employment, any previous employment or any offer of future employment which you have accepted, in which you presently have an interest, financial or otherwise.	
Appointments (including unpaid) such as directorships, trusteeships, local authority memberships, consultancy or advisory posts, positions of responsibility etc.	



<p>Membership of any professional bodies, pressure or special interest groups or mutual support organisations.</p>	
<p>Investments in unlisted companies, partnerships and other forms of business, significant shareholdings or controlling interests and beneficial interests a) in which the College has funds invested, or b) which may have dealings with the College.</p>	
<p>Gifts or hospitality accepted (above the materiality threshold in each case) from external bodies or companies in relation to College activities, if not already declared, within the last year.</p>	
<p>Any other contractual relationship with the College or any of its subsidiary companies.</p>	
<p>Any other interests not covered above, including those of a social or personal nature, that do or might give rise to a conflict with the discharge of College business.</p>	





To the best of my knowledge, the above information is complete and correct.  
I undertake to update the information as necessary, and to inform the Finance Bursar, or the chair of any committee on which I serve, or my line manager, if a conflict arises.  
I confirm I have read the College's Conflict of Interest Policy and give my consent for the information to be used as described in the policy and for no other purpose.

Signed:

Date:

Role:

Declaration of Interests form November 2023

### **Notes**

The register is not intended as a substitute for the declaration of an interest at the relevant time. Its purpose is to put the transaction of the business of College's committees and other meetings on an unambiguous basis, to enable individuals to address items of business with a clear perception of their responsibilities and to avoid any embarrassment in the conduct of business. The register establishes the general principle of declaration while leaving to individuals' judgement within the guidelines the actual interest to be registered.

### **Nondisclosure of Interests**

A nondisclosure of interest, if established as material to the business of the Trustee Board, Governing Body, committees, other meetings or other material business, would be a noncompliance with policy.