



CONFLICTS OF INTEREST POLICY

MAY 2023

Reviewed by SMT:	24 th May 2023
Endorsed by Audit & Risk:	23 rd June 2023
Approved by Governing Body:	11 th July 2023
Next review:	May 2026 (interim review Oct 2024)

1. Introduction

It is a requirement of the College's Instrument and Articles that Governors declare any interest which could impact on the integrity of the Governing Body's decision-making process and so undermine the Charity law requirement which dictates that trustees have a fiduciary responsibility and a duty to act in the best interests of their charity. The College's Financial Regulations also state that all members of the Governing Body (including Co-optees), the Senior Management Team (SMT) and budget holders with a budget of £5,000 must declare any pecuniary interests both direct and indirect. This policy also applies to Trustees of the Collyer Endowment.

The purposes of this policy are:

- To protect the integrity of the College's decision-making process;
- To enable all outside parties dealing with the College to have confidence in the College's integrity; and
- To protect the integrity and reputations of the College Governors, Trustees, Co-optees and senior staff.

2. Disclosure of Interests

2.1 Declarations

Governors, Co-optees, Trustees and SMT will be required to make a full written disclosure of any direct or indirect pecuniary interests, business or personal relationships, other trusteeships, or gifts or hospitality received, that could potentially result in a conflict of interest. This includes those related to a close family member. A declaration of interests form is provided annually and must be used for this purpose. It is the responsibility of each individual to recognise where they may have a conflict or perceived conflict of interest. Any question about whether a member has an interest which should be disclosed should be referred in the first instance to the Director of Governance for a determination. Those concerned are invited to record any interest as soon as is reasonably practicable after the interest arises. There is no requirement to specify the extent of an interest or remuneration. It is only required to state the name of the relevant post, company etc on the relevant form and then sign and date it. The register is held by the Director of Governance and is available for viewing by interested parties.

Budget holders aside from SMT are circulated a declaration of interests form by the management of the College for completion and retention.

In accordance with the Staff Code of Conduct, declarations by staff must be made if staff have any personal, familial, financial or other connection (either direct or indirect) and these must be declared to the Principal. This includes connections to potential contractors. In the case of a significant award of a contract or contract renewal, the Director of Governance will take steps to check with members of SMT and the Governing Body to ensure that there are no connected/related parties.

To comply with examination regulations, a form is also circulated to all staff annually by the exams team to ensure those involved in assessments or examinations relevant to the awarding bodies declare any direct or indirect interests.

2.2 Organisation of meetings where a member has disclosed an interest

Where a member or member of SMT has previously disclosed an interest and the Chair is satisfied that the interest is relevant to an item on the agenda for a meeting of the Governing Body or Committee or Trust, the member concerned may not be sent the papers in respect of that item.

2.3 Decisions made other than at meetings

A similar approach will be adopted if the Governing Body or Trustees take a decision other than by meetings, e.g. by written resolutions. Any member who has disclosed an interest considered by the Chair to be relevant to the matter to be decided by the procedure adopted will not be sent the proposed resolution and will not be allowed to vote on it.

2.4 Management of conflicts of interests in meetings

In the course of meetings of the Governing Body, Committees or the Trust, members or members of SMT are required to disclose the nature and extent of any interests they have in a transaction or decision where they, their family, their employer or their close business or other associates will or may receive a benefit or gain. If there is a failure to declare an interest that is known to the Chair and/or Director of Governance, they will declare that interest.

After disclosure of any such interest, in the case of a meeting, the member concerned may be asked to leave the room (unless expressly invited to remain, possibly in order to provide information on the matter in hand). The member will not be counted in the quorum for that part of the meeting and will not be permitted to vote on the question. In the case of all other activities, the member concerned will not be permitted to participate in the consideration or discussion of the matter other than to disclose his or her conflict of interest. All decisions of the Governing Body or Trust made following the declaration of a conflict of interest will be reported in the minutes of the meeting. The report will record the nature and extent of the conflict, an outline of the discussion, the actions taken to manage the conflict.

Where a member or member of SMT benefits from any such decision, this will, if the College or Trust's Auditors advise this to be necessary, be reported in the annual report and accounts in accordance with relevant accounting requirements.

Governors who are also Trustees of the Collyer Endowment need to be particularly aware of possible conflicts of interest between their responsibilities as Trustees and their responsibilities as Governors. They need to take care not to confuse the two roles but at the same time should seek to ensure that the knowledge and understanding they acquire in each role helps them to ensure the smooth running of the College's business. Similar principles apply to the Director of Governance where they serve both the Governing Body and Trustees of the Collyer Endowment.

2.5 Failure to disclose a relevant interest

The decision of the Chair as to whether a member has failed to disclose a relevant interest shall be final. Failure to disclose a conflicting interest may lead to a member being in breach of the Governors' Code of Conduct as well as of this policy.

3. Benefits for members

In accordance with the Instrument and Articles, no Governor shall acquire or hold any interest in any property that is held or used for the purpose of the institution without the written approval of the Secretary of State.

Charity trustees are not allowed to receive remuneration simply for undertaking their duties as a trustee without the consent of the Charity Commission. This is only granted in exceptional circumstances. Similarly, charity trustees are not allowed to be employed by the charity under a contract of service save for the Principal and any Staff Governors on the College's Governing Body.

It is a basic principle of charity law that charity trustees, should not profit from their position, although trustees are entitled to be reimbursed for expenses actually and reasonably incurred in undertaking their business. The College has a policy to approve the reimbursement of reasonable Governors, Co-optees and Trustee expenses and these are reported to the auditor annually in the relevant accounts.

4. Data Protection

The information provided in disclosures will be processed in accordance with the data protection principles set out in the Data Protection Act 2018. Data will be processed only to ensure that

Governors, Co-optees, Trustees act in the best interests of the College. The information provided will not be used for any other purpose.

5. Review

This policy will be reviewed on a 3 yearly basis for approval by the Governing Body.

6. Key related policies and procedures

Anti-Fraud & Irregularity (Bribery)

Data Protection Policy

Gifts & Hospitality Guidelines

Governor Code of Conduct

Staff Code of Conduct

Whistleblowing Policy

Examinations and Assessment Policy & Procedures

Examinations Conflict of Interest Procedures

For Governors and Trustees, this policy should be read in conjunction with the Charity Commission's guide: [Conflicts of interest: a guide for charity trustees \(CC29\)](#)

Lead: Director of Governance