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Responsibility:	Search and Governance Committee

CONFLICTS OF INTEREST POLICY

1. SCOPE

- 1.1 This policy covers all staff and governors of Leicester College and should be read in conjunction with other College policies and documents; relevant documents are set out in paragraph 9.
- 1.2 This policy applies to all College activity including ESF contracts.

2. PURPOSE AND PRINCIPLES

- 2.1 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 safeguard public funding.
- 2.2 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.
- 2.3 The College acknowledges that there are many situations in which conflicts of interest may arise and encourages anyone who thinks there may be a conflict to seek advice where necessary.

3. DEFINITION OF CONFLICTS OF INTEREST

- 3.1 A conflict of interest can occur when an individual is put in a situation or circumstance that could impact on their ability to apply judgement or act in their role.
- 3.2 Conflicts may arise as a result of personal relationships, financial or business interests, or other commitments or connections of the individual or those connected to the individual (family, friends or other connections).
- 3.3 Conflicts of interests could include a range of different types of conflict including, but not limited to, the following:

- 3.3.1 Conflict of interests: a conflict of interest arises where 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 individuals, another body/association/affiliation in relation to the same or related matters.
- 3.3.2 Conflict of loyalty: where overlapping personal interests or loyalties could, or could be perceived to, prevent an individual from acting in the best interests of the College.
- 3.3.3 Conflict of commitment: where an individual's engagement in outside professional activity, paid or unpaid involves a commitment of time that may conflict with their role and obligations to the College. This relates particularly to staff.

4. IDENTIFYING CONFLICTS OF INTEREST

- 4.1 Anyone identifying a potential conflict of interest should declare this through the appropriate route. These are described below.

Staff

- 4.2 Staff must not, without the written permission of the Principal/CEO, undertake any employment or engagement which might interfere with the performance of their duties or conflict with the interests of the College. Staff should refer to the Employee Standards and Code of Conduct (HR000) for more information.
- 4.3 Any member of staff involved in procuring goods or services including subcontracted and partner delivery is required to disclose their interests and those of close family members in the College's Register of Interests maintained by the Director of Governance and Policy. Appendix 1 provides the form.
- 4.4 Staff should be aware of and declare any potential or actual conflicts of interest which may arise within the College in relation to any aspect of the delivery of qualifications, including training, testing, examinations and/or assessment. Declarations of interest should be declared through the form at Appendix 2.
- 4.5 Staff should declare any interests relating to the delivery of apprenticeships such as interests in the apprentice's employer or the apprentice themselves in the same way.
- 4.6 Those involved in the administration of exams should refer to the College's Malpractice Policy (QU005). This sets out the procedures for dealing with malpractice on the part of candidates, centre staff and any others involved in providing the qualifications, as required by the awarding bodies. It includes examples of malpractice which could arise

through a conflict of interest such as improper assistance to candidates. To avoid this, all those associated with exam administration should complete the invigilator form (Appendix 4).

- 4.7 Any other conflicts of interest should be declared through the Register of Interests form.

Governors

- 4.8 Like other persons who owe a fiduciary duty, Governors should seek to avoid putting themselves in a position where there is a conflict between their personal interests and their duties to the Governing Body. They should not allow any conflict of interest to arise which might interfere with the exercise of their independent judgement.
- 4.9 Under the College's Instrument of Government governors must disclose to the Corporation the nature and extent of any interests. The Instrument of Government (Instrument 10) states they must disclose to the Governing Body any direct or indirect financial interest they have, or may have, in the supply of work or goods to or for the purposes of the College; or in any contract or proposed contract concerning the College; or in any other matter relating to the College; or any interest of a type specified by the Corporation in any matter relating to the College.
- 4.10 Every Corporation and Committee meeting agenda provides an opportunity for interests to be declared and recorded in the minutes.
- 4.11 The Director of Governance and Policy will maintain a Register of Governors' Interests which will be published on the College website. Governors should refer to the Instrument and Articles and the Governor Code of Conduct for more information. The Director of Governance and Policy should be informed of any potential interests and can provide further advice if needed.

5. RELATIONSHIPS TO MEMBERS OF STAFF/STUDENTS/GOVERNORS

- 5.1 Applicants for College roles (staff and governors) are asked to declare any relationship to other members of staff, governors or students on the application form.
- 5.2 The HR department monitors all applications for vacancies and will bring any relationship declared by a candidate to the attention of the recruiting manager, as appropriate. Consideration will be given to whether the candidate is excluded from the recruitment process.
- 5.3 A member of staff must not allow a personal relationship with a colleague to influence their conduct at work and should disclose any work relationship which may give rise to a conflict of interest or breach of confidentiality.

- 5.4 Where a member of staff line manages a person with whom there is a family or close personal relationship, this should be declared to a senior manager. In these circumstances consultation will take place with the individuals; the College reserves the right to transfer one or both members of staff to another department.
- 5.5 Staff or governors will not be involved in the appointment process for any roles involving individuals with whom they have a declared personal relationship.

6. CONFLICTS RELATING TO CURRICULUM AND QUALIFICATIONS

Examples of Conflict of Interest

- 6.1 Possible conflicts of interest relating to curriculum and qualification delivery and assessment include, but are not limited to:
 - 6.1.1 any part of delivery or assessment is carried out by a person who may benefit from the result of assessment (where this is unavoidable the assessment decisions will be subject to additional independent scrutiny)
 - 6.1.2 an individual contracted for services by the College works for multiple stakeholders and has difficulty being impartial
 - 6.1.3 a situation where friends or relatives of someone connected to the College is undergoing training and or assessment
 - 6.1.4 a situation where an employee or subcontractor of the College is being trained and/or assessed by someone from the College
 - 6.1.5 an individual fails to maintain confidentiality of College/assessor documentation.

Roles and Responsibilities

- 6.2 Ultimate responsibility for the management of potential and actual Conflicts of Interest associated with curriculum and qualifications lies with the Vice Principals.
 - 6.2.1 It is the responsibility of the Quality Improvement department to provide guidance on conflicts of interest relating to curriculum and quality to all staff.
 - 6.2.2 It is the responsibility of the individual to disclose any potential or actual conflicts of interest to ensure the integrity of the College and the Awarding Organisation are protected.
 - 6.2.3 The possibility of a conflict or potential conflict may be declared by any stakeholder as an entity, or as an individual.
- 6.3 Where an employee or representative of the College has reason to believe there is a conflict or potential conflict of interest of another employee or representative of the College this matter should be raised with the Quality Improvement department or with the Director of Governance and Policy.

Monitoring, Recording and Reporting Conflicts of Interest

- 6.4 The College will ensure that there are adequate and auditable records of regular monitoring of all staff for possible and actual Conflicts of Interest. The records must be kept up to date and made available for review by the Awarding Organisation on request.
- 6.5 The College must inform the Awarding Organisation of any potential or actual Conflict of Interest in advance of the matter where possible. This must be done in writing to allow an audit trail to be kept.
- 6.6 Where a Conflict of Interest is identified after some activity has taken place the Awarding Organisation will be informed as soon as this is suspected or revealed.
- 6.7 The College will work with the Awarding Organisation to minimise the impact of any potential or actual Conflict of Interest.

Managing Conflicts

- 6.8 In some cases, it may be that simple measures may be enough to manage Conflicts of Interest. It may be that the activity can be managed differently so that Conflicts of Interest are avoided. In other cases, a simple undertaking by an individual to protect the integrity of the College and Awarding Organisation may be sufficient. Only in extreme circumstances where the Conflict of Interest may be so fundamental and unmanageable, will an individual be prevented from undertaking specific activities.

Process for Declaring Conflicts of Interest

- 6.9 At the beginning of each academic year (week 4 in the College calendar) an email will be sent out to all Directors of Curriculum to complete the Conflict of Interest form (Appendix 2) if there are any possible conflicts of interest within the Curriculum Area. If there are no conflicts of interest and email to confirm this will suffice.
- 6.10 If any conflicts of interest arise in year it is the Director of the Curriculum Area's responsibility to declare these and liaise with the Quality Improvement department to resolve.
- 6.11 Any conflicts of interest need to be reported to the Quality Improvement department. A meeting will be arranged with the staff member to discuss a resolution to the conflict (Appendix 3).
- 6.12 These logs will be stored centrally on SharePoint allowing for reviews by Awarding Organisations.

7. GIFTS AND HOSPITALITY

- 7.1 It is an offence under the Prevention of Corruption Act 1906 for members of staff to accept corruptly any gift or consideration as an inducement or reward for doing, or refraining from doing, anything in an official capacity or showing favour or disfavour to any person in an official capacity.
- 7.2 Governors and members of staff should not accept any gifts, rewards or hospitality, or have them given to members of their families, from any organisation or individual with whom they have contact in the course of their work that would cause them to reach a position whereby they might be, or might be deemed by others to have been, influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of hospitality accepted should not be significantly greater than the College would be likely to provide in return.
- 7.3 Further detail is set out in the Gifts and Hospitality Policy (GP010) and the Financial Regulations (FF001).

8. UPDATING INFORMATION

- 8.1 The Register of Interests will be reviewed at least annually.
- 8.2 Those who disclose any interests are also responsible for ensuring that entries in the register relating to them are kept up-to-date regularly and promptly.

9. POTENTIAL OUTCOMES

- 9.1 All declared actual, potential or perceived conflicts of interests should be considered by the Director of Governance and Policy or Director of HR, or in the case of conflicts related to curriculum and qualifications by the Quality Improvement Team. The reviewer should determine what, if any, further action is required. Individuals should not determine how to appropriately manage their declarations.
- 9.2 Where it is identified that an undeclared conflict of interest has resulted in an adverse impact on the College's integrity, reputation or use of public funding, the matter may be referred to the Director of HR in the case of staff and to the Search and Governance Committee in the case of governors.

10. GUIDANCE AND FURTHER ADVICE

- 10.1 Further information is set out in the following documents. Advice may also be sought from line managers, the Director of Finance, the Director of HR or the Director of Governance and Policy.
- Financial Regulations (FF001)
 - Malpractice Policy (QU005)

- Staff Code of Conduct (HR000)
- Gifts and Hospitality Policy (GP010)
- Governor Code of Conduct
- Instrument and Articles of Government.

11. REVIEW

- 11.1 This policy and associated procedures/documentation will be reviewed on a three-year cycle to ensure that it is fit for purpose and that it reflects the types of conflicts that may arise, and how those conflicts are managed. Where any changes are made, the revised policy will be explained to all staff and made available to the Awarding Organisation where appropriate.

REGISTER OF INTEREST



Name:

Nature of Interest	Date of which interest was included	Date on which interest was changed or ceased

Signed:

Date:

Please return to the Director of Governance and Policy

CONFLICT OF INTEREST: QUALIFICATIONS - REGISTER OF INTEREST

Name:

Date:

Date	Description of Interest	Does the interest affect a student, an organisation (including Leicester College), or a connected person to you?	Date interest started	Date interest ceased	Comment: To be completed by Line Manager/Department Head

Manager Name_____

Signature_____

**CONFLICT OF INTEREST: QUALIFICATION
DECLARATION, DISCUSSION AND RESOLUTION**

Person Raising Issue	Date	Nature of Conflict Identified	Discussion	Resolution
			Date:	
			Attendees:	
			Discussion Points:	

Manager Name _____

Signature _____

Declaration Form for Invigilators

PLEASE SIGN ONCE ON THIS SIDE OF THE FORM

1. Are you related to any student(s) at Leicester College?

IF NO

please sign no. 1

IF YES

please sign no. 2

Declaration 1

I declare that to my knowledge I am not related to any student currently studying at Leicester College. If I become aware that a relative of mine is studying at the college, I will inform the Examinations Office.

Signed:

Date:

Declaration 2

I declare that if, for an examination which I will be invigilating, I become aware that I may be related to a candidate taking the examination, I will inform the Examinations Office immediately.

Signed:

Date:

2. Are you currently doing any course(s) at Leicester College?

If you are studying at the College as well as invigilating, regulations dictate that this will restrict what you are eligible to invigilate. Please declare any course(s) you are studying at Leicester College below (if you need more space please continue on a separate page). If your circumstances change (e.g. you enrol or withdraw from a course during the year) please let us know.

Course Title:

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3. Do you currently teach at Leicester College?

If you teach some students, you may not be allowed to invigilate examinations in the subject you are teaching them. Please declare any qualification(s) that you are teaching in the college, with curriculum area, course code and course title if possible (if you need more space please continue on a separate page). If your circumstances change during the year, please let us know.

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We are advised by the JCQ to request all invigilators to make the declaration below (JCQ ICE page 21).

1. Do you currently invigilate, or have you previously invigilated, for another examination centre? (Please also tick "yes" if you invigilate IELTS exams in Leicester College.)

YES ☐ NO ☐

2. If YES to no. 1, have you any current maladministration / malpractice sanctions applied to you?

YES ☐ NO ☐

3. If YES to no. 2, please give details below.

Name of centre: Dates employed:

Details of sanction(s):

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(continue on separate sheet if required)

Signature:

Print name:

Date: