

Conflict of Interest Policy

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Who does this policy apply to?

If you are...	Then..
A member of Staff employed by UKGC, or an Independent Governor	All parts of this policy apply

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1. Introduction

1.1 This policy supports the UK Graduate College's (hereafter known as the 'College') commitment to integrity and transparency, by encouraging the declaration of conflicts of relevant interests so that they may be appropriately managed. This Conflict-of-Interest policy is intended to mitigate risks and safeguard student achievements as well as staff and College integrity and reputation. It also contributes to the maintenance of awarding body accreditation and certification.

2. Purpose and Scope

2.1 The purpose of the Policy is to encourage the disclosure and management of actual, potential or perceived conflicts of interest in order to protect the integrity and reputation of the College and its members.

2.2 The College acknowledges that its members will have various external interests, such as other employment, including consultancy work, charity trusteeships and membership of boards or public bodies. The intention of the policy is not to limit these roles but to ensure that interests are recognised, declared and where any conflicts of interest arise these are appropriately recognised and managed.

2.3 There are a wide range of situations in which conflicts of interest may arise and members of the College community must seek advice where necessary. Where applicable, references to conflicts of interest in this Policy should also be read as referring to conflicts of commitment and conflicts of loyalty.

2.4 This Policy applies to all College employees, including Independent Governors, visiting academics and registered students. Those to whom the policy applies will be made aware of it 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.

2.5 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.

2.6 The Board of Governors are responsible for the implementation of this policy and for ensuring that there are appropriate systems in place to promote and monitor compliance with it.

3. **Governance**

3.1 This policy forms part of the College's governance framework and supports the College's commitment to uphold the Office for Students' (OfS) public interest principles and Section 175 of the Companies Act 2006, which states, 'a director of a company must avoid a situation in which they have, or can have, a direct or indirect interest that conflicts, or possibly may conflict, with the interests of the company.'

4. **Definitions**

- 4.1** An interest can be a financial or non-financial interest. Financial interests include remuneration (such as pay, commission, consultancy) and assets (investments, stocks, bonds, property). Non-financial interests include enhancement of career, education or reputation, access to privileged information or facilities.
- 4.2** Many of these interests will not compete with your duties and responsibilities to the College. However, where your obligations to the College are, or may appear, to be compromised, a conflict of interests occurs. A conflict of interest may arise where an individual might be seen to be influencing College matters for actual, potential or perceived personal benefit. Such a conflict may arise in a situation when a member of the College community is in a position to influence, directly or indirectly, College business, research, education or other decisions in ways that could lead to gain for them, their family or others.
- 4.3** For the purpose of this policy, conflict of interests includes the following types of conflict:
- a) 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 another body/association/ affiliation in relation to the same or related matters;
 - b) Conflict of loyalty: where overlapping personal interests or loyalties could, or be perceived to, prevent an individual from making a decision only in the best interests of the College;
 - c) 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.
- 4.4** A conflict of interest may relate to your own interests or a connected person which means family, relatives or business partner or business in which you hold an interest.

5. Avoiding conflicts of interests

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

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- 5.2** 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 Staff Handbook for more information.
- 5.3** 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 when completing the Annual Declaration of Interest form or informing the HR Manager via email: HR@ukgraduate.ac.uk.
- 5.4** 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.

- 5.5 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.
- 5.6 Any other conflicts of interest should be declared to the Head of HR
- 5.7 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.
- 5.8 At appointment all Independent Governors must disclose to the Board the nature and extent of any interests. 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 Board in any matter relating to the College.
- 5.9 Every Board and Committee meeting agenda provides an opportunity for interests to be declared and recorded in the minutes.

Relationships to Members of Staff/Students/Governors

- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 Staff or governors will not be involved in the appointment process for any roles involving individuals with whom they have a declared personal relationship.

Conflicts Relating to Curriculum, Qualifications and Assessment Examples of Conflict of Interest

- 5.15 Possible conflicts of interest relating to curriculum and qualification delivery and assessment include, but are not limited to:
- 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).

- An individual contracted for services by the College works for multiple stakeholders and has difficulty being impartial.
- A situation where friends or relatives of someone connected to the College is undergoing training and or assessment.
- A situation where an employee or subcontractor of the College is being trained and/or assessed by someone from the College.
- An individual fails to maintain confidentiality of College/assessor documentation.

5.16 Staff recruitment is an activity which requires additional transparency and careful management of interests. Therefore, additional College guidance is available on declaring and managing conflicts of interest and approvals required in relation to recruitment. All related interests must be recorded and a detailed record kept of how the conflict was managed.

5.17 In relation to external commitments that may create conflict, individuals covered by this policy should ensure that they do not enter into commitments or engage in activities which are inconsistent with their terms and conditions of employment for staff or terms of appointment for Board Of Governor Members, with regard to outside activities and the permission required to engage with them. In the event of queries, individuals should seek advice from their line manager or the person to whom they report.

6. When to declare a conflict

6.1 Every member of the College should 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.

6.2 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, the individual should declare the interest to the Head of HR to ensure that any conflict of interest is managed in the funding acceptance approval process. Management of conflicts of interest will also limit the potential for reputational risk for both organisations

6.3 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 terms and conditions of employment (for staff) or conditions of registration and may result in disciplinary action being taken by the College.

7. Declaring Interests and Conflicts of Interest

7.1 All employees should complete a Conflict of Interests Declaration form when accepting a position. Board members and members on the Board committees are required to undertake an annual declaration of their interests. In addition, employees and Board Members should disclose any changes to their interests as soon as they are aware of them.

7.2 Employees and Board members should not be involved in any decision-making process, including appointment panels, without having completed the declaration of interests.

7.3 Whilst it is primarily the duty of the individual to declare all interests, others, such as a manager, colleague or other member of the College community may become aware of

conflict of an actual, potential or perceived conflict of interest and should request that the individual declares their interests so that they can be managed appropriately.

7.4 To declare a conflict of interest:

- a) A declaration can be made in writing to the HR Director to ensure that the conflict is recorded or the Conflict-of-Interest Declaration form can be updated and submitted.
- b) Conflicts of Interest relating to recruitment must be declared in accordance with the relevant recruitment policy and guidance.
- c) At any committee meeting or meetings of decision-making bodies including relating to recruitment. At the beginning of every Assessment Board meeting, there should be a standing item on the agenda on conflicts of interest. Members should be invited to declare any conflict, either actual or perceived, that may arise in the course of the decision. Any members that become aware of a conflict that they have not declared at the start of the meeting should do so as soon as they become aware of the conflict. The minutes of each meeting should record whether or not any conflicts were declared. The Chair of the committee should decide whether the member concerned can:
 - Fully participate in the business of the committee or board with no restrictions;
 - remain in the meeting where the conflict of interest is considered but not participate in discussions;
 - withdraw from the decision-making process in relation to the conflict of interest; withdraw entirely from the particular committee or board where there is a significant or ongoing conflict.

7.5 If the Chair has a conflict, the committee should agree for the Deputy Chair or another appropriate member to act as Chair for the relevant item.

7.6 In respect of Board members, additional provisions for the management of members (including the Chair) actual, potential or perceived conflicts of interests and conflicts of loyalty should be followed. A conflict of loyalty may occur where a Board member's loyalty or duty to another person or organisation could prevent them from making a decision only in the best interests of the College. Members of the Board should be mindful of the potential for bias in decision making and should consider whether there is the potential for actual or perceived bias in fulfilling their various roles at the College.

7.7 In order to report on the operation of this policy all declarations of conflicts of interest should be reported to the HR Manager. These should include details of the facts, who undertook the assessment and what action was taken as a result.

8. Assessing and Managing Conflicts of Interest

8.1 All declared actual, potential or perceived conflicts of interests should be reviewed by the Head of HR with support from the relevant Head of Department or Committee Chair (as appropriate). Where the declaration relates to a specific activity it must be assessed accordingly:

(i) Recruitment: Head of HR

(ii) Education (e.g. relating to Assessment): Dean and HE Academic Quality Manager

(iii) Operations (Support Services): Head of Operations

(iv) Finances Manager: Head of Finance

8.2 The reviewer should determine what, if any, further action is required. Individuals should not determine how to appropriately manage their own declarations.

8.3 It is important to note that considering conflicts of interest involves a spectrum of directness and significance. Several factors may need to be considered when assessing the seriousness of the conflict of interest and potential for bias. These include but are not limited to:

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

9. Potential Outcomes

9.1 No Conflict Exists

- Where the Head of HR and relevant other as detailed in 8.1 determines that there is no conflict of interest, this should be formally recorded and reported to the Board of Governors.
- 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.

9.2 Conflict Does Exist

Once a conflict of interest is deemed to exist the Head of HR will determine the appropriate resolution. These may include:

- Continue: be permitted to continue, where the conflict is considered to be insignificant.
- Continue with exemption: 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; For example, if the conflict of interest involved student assessments, then the Dean could arrange an alternative assessor and internal moderator or inform the awarding body to agree on additional scrutiny, ensuring the External Examiner is aware to ensure appropriate scrutiny.

- **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.

Annex A: Examples of Interests and potential conflicts of interests

The following examples highlight where roles, activities or relationships should be declared and potential conflicts that may arise.

INTERESTS

- **Paid employment** This includes self-employment, offices held (such as public appointments) or employment where regular income is received and should be declared. Staff should refer to their terms and conditions and ensure the necessary permissions are gained.
- **Directorships** All paid directorships and unpaid directorships interests should be declared.
- **Relationships** Personal relationships may give rise to a conflict of interest as they may be seen to bias decisions. All personal relationships must be declared as required by the College's Staff Handbook.
- **Land** Other than a home used solely for personal accommodation, Council members, governors and employees are asked to declare personal or commercial property which may lead to an association with the College. This includes leasing or renting to or from the College, living in College buildings or buying or selling property to or from the College.
- **Shareholdings** Council members, governors and employees are asked to declare the name of all public and private companies or other bodies in which they or those close to them have a beneficial interest. Shareholdings amounting to less than 5% of the issued share capital, or where the nominal value of the holding is less than £25,000, do not need to be registered.
- **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, the declaration shall be made as soon as practicable either at the meeting or in advance to the Head of HR.

POTENTIAL CONFLICTS OF INTERESTS

- **Education: Admissions, supervision and assessment.** Where a member of staff has a relationship with any individual that will lead to a conflict of interest relating to admissions, supervision or assessment it must be declared. For example, if a family member applies or is studying at the College.
- **Personal Relationships** UKGC prohibits any personal relationships between staff and students where:
 1. there is a direct supervisory relationship in existence (e.g. student and supervisor);
 2. a member of staff has direct or indirect responsibility for, or involvement in, that student's academic studies (for example, assessor of a student's work) and/or personal welfare (for example, academic advisor and advisee) or
 3. a member of staff interacts with a student as part of their role (including the period during which a prospective student is applying for admission, and any period of time after the completion of a degree during which the staff member maintains a direct or indirect professional role, such as mentoring or writing references for a former student).

Such relationships should be reported immediately to the relevant Line Manager and HR in accordance with the procedure set out in the Staff Handbook so that appropriate safeguards are put in place, including changing the supervisory relationship or the relationship of direct responsibility for, or involvement in, the student's academic studies and/or personal welfare

- **Staff: Recruitment, allocation of duties or promotion** No member of staff should be involved in decisions relating to the recruitment or assessment, allocation of duties or promotion of any individual with whom they have a personal relationship. Recruitment policy and any additional guidance must be followed.

- **Gifts, Hospitality or Services:** The College's Gifts and Hospitality procedure should be followed.

- Procurement

1. No UKGC staff or governors should be involved in the procurement of goods or services where they have a relationship with or connection to one of the parties involved in the procurement process.

2. No UKGC staff or governors should accept gifts or hospitality offered by any party involved in the procurement process. Aims and Objectives