

Conflicts of Interest Policy

Organisation	Leeds Beckett University
Author(s)	Head of Regulatory Compliance & Assurance (2021) Policy & Projects Officer (2023)
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Links to other internal policies / procedures	<ul style="list-style-type: none"> • Anti-bribery and Corruption Policy • Articles of Government • Contracts of employment • Counter Fraud Policy • Disciplinary Policy • Ethics and Integrity Framework • External Work for Lecturing Employees Policy and Procedure • Financial Regulations – specifically provisions relating to Gifts & Hospitality • Governor Code of Conduct • Personal Relationships at Work Policy • Procurement Procedures • Recruitment and Selection Policy • Register of Interest – procedures • Standing Orders • Whistleblowing ('Public Interest Disclosure') Policy and Procedure • Online training relating to Fraud and Bribery Awareness and Prevention
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A PDF copy of the final approved version should be forwarded to governance@leedsbeckett.ac.uk for inclusion in the policy register and consideration to the Publication Scheme. The original master copy should be retained on file by the policy owner.

Conflicts of Interest Policy

INTRODUCTION

Policy Statement

1. The University is committed to operating openly, honestly, accountably and with integrity. In accordance with the [Nolan Principles of Public Life](#) (appendix A), colleagues, members of the Board of Governors, and University nominated directors on subsidiary and associated companies, are expected to discharge their duties impartially and objectively, taking reasonable steps to avoid any actual or perceived conflicts of interest to ensure decision making is open and transparent. Our approach enables the University to demonstrate the values appropriate to be recognised as an English higher education provider. It is therefore important for all members of the University, when evaluating a potential conflict of interest, to consider how it might be perceived by others.
2. The Conflicts of Interest Policy is guided by a simple three-step approach:
 - **Always disclose.**
 - **Identify if the conflict can be managed and how.**
 - **Consider prohibiting the activity when necessary to protect the public interest or the interests of the University.**
3. It is important for members of the Board of Governors and colleagues to have a broad range of skills and diverse experiences, and this inevitably means there will be a variety of interests. Whilst this needs to be recorded and appropriately managed, it does not mean that actual or perceived conflicts should always be avoided.
4. Conflicts of interest are a common and unavoidable part of management and governance that can arise in a range of situations and environments. It is therefore not reasonable or practical to completely eliminate all conflicts of interest. The process overview is set out at appendix E.

Purpose and Scope

5. The purpose of the Conflicts of Interest Policy (the “policy”) is to:
 - (a) support good governance and the [Public Interest Governance Principles](#), ensuring that decisions are made impartially and in the best interests of the University;
 - (b) set out the University’s expectations for and the importance of declaring conflicts of interest;
 - (c) set out the processes for managing and recording conflicts of interest; and
 - (d) enable individuals to recognise where their personal interests may conflict (or be perceived to conflict) with their duties to the University.

Application

6. This policy applies to all University **colleagues**, members of the **governing body**, and **University nominated directors of subsidiary and associated companies**. ‘Colleagues’ refers to all individuals working within the University including all levels and grades, officers, employees (whether permanent, fixed term or temporary), workers, trainees, seconded staff, agency staff, volunteers, interns, or any other person working in any context within the University.
7. For the purpose of this policy, references to a ‘conflict of interest’ includes any **actual, perceived or potential** conflicts of interest, and may relate to an **individual’s** interests or gain, or that of someone who has a **close personal connection** to that *individual*.

Why does it matter?

8. This policy and associated procedures are designed to provide **protection** to the University, the Board of Governors and colleagues from reputational damage and other liabilities.
9. Leeds Beckett University is a not-for-profit University with the charitable purpose of advancing education for the public benefit. As such, we must ensure that there are appropriate financial and management controls in place to safeguard public funds and funds from other sources, whilst also safeguarding the assets of the University by preventing and detecting fraud and other irregularities. It is important to acknowledge that a conflict of interest could ultimately result in a decision being declared unlawful and invalid. There are other wide-ranging implications including reputational damage, diverting resources away from the University’s core operations and achievement of its strategic objectives, and criminal liability.
10. The existence of an actual, perceived or potential conflict of interest does not imply that there has been any wrongdoing. However, it is important that any private, personal or commercial interests, which could give rise to a conflict of interest, are recognised and disclosed at the earliest opportunity. We must identify associated risks and put measures in place so that conflicts of interest are properly managed in order to enable credible decision making.

DEFINITIONS

Defining conflicts of interest

11. A conflict of interest arises where an individual's personal interest (or an individual's duties to other people or other organisations) might **conflict** with making impartial decisions or with their duties to the University. It is important to note that the existence of a conflict of interest does not depend on whether the individual is actually influenced in their duties or decisions, rather that there is potential to be influenced. A conflict of interest may:
- (a) be financial interests, non-financial interests or both (see examples set out in appendix B)
 - (b) be actual or potential
 - (c) be indirect and relate to someone who has a close personal connection to the individual
 - (d) arise from activities such as (but not limited to) procurement, commercial transactions, conduct and funding of research, contractor selection, admissions and recruitment
12. For the purpose of this policy, a **close personal connection** is anyone with whom the individual concerned has a personal or business relationship, which is likely to appear to influence their objectivity. This includes, but is not limited to familial relations, partner, spouse, close personal friends or business or personal associates.

Recognising conflicts of Interest

13. Individuals should consider who they are acting for, and whether there are any competing motivations or interests that could influence them or be seen to influence them. Care should be taken to identify any actual, perceived or potential conflicts of interest and ensure that they are appropriately disclosed and managed where relevant.

RESPONSIBILITIES

14. The University expects individuals within the scope of this policy to proactively consider whether matters relating to their circumstances could potentially amount to a conflict of interest and, if so, reach their own judgement about when it may be appropriate to declare that interest in accordance with the arrangements set out below. Where there is uncertainty about whether a particular interest should be declared, advice should be sought from the [Registrar & Secretary](#).
15. All **colleagues, members of the Board of Governors, and University nominated directors on subsidiary and associated companies** are responsible for:

- (a) Acting honestly and with integrity in the exercise of their duties.
 - (b) Recognising when they have a conflict of interest and reporting this at the time that the conflict first arises or becomes known in line with this policy, ensuring information is accurate and kept up to date.
 - (c) Making declarations of interest as relevant to agenda items at meetings¹.
 - (d) Ensuring that they have read, understood and comply with this policy and any associated procedures and guidance, including the University's [Financial Regulations](#) and procurement procedures.
 - (e) Where there is a complaint about a failure to disclose a relevant interest, to refer complaints to the [Registrar & Secretary](#).
16. Colleagues with responsibility for the **award of contracts** and the **appointment of agents** are also responsible for declaring conflicts of interest and conducting due diligence.
17. No person shall be a **signatory to a University contract**, including the **raising of a purchase requisition** or the **approval of a purchase order**, where he or she also has an interest in the activities of the other party.
18. The **Registrar & Secretary** is responsible for:
- (a) Ensuring that the policy is implemented, maintained and reviewed at appropriate intervals.
 - (b) Keeping a register of interests (the "register") for governors, senior colleagues and University nominated directors on subsidiary and associated companies.
 - (c) Maintaining a register of gifts and hospitality received by members of the Board of Governor (as set out in the [Financial Regulations](#)).
 - (d) Overseeing complaints relating to failures to declare relevant interests.
19. The **Head of Procurement** is responsible for:
- (a) Keeping a register of declarations of conflicts of interest relating to purchasing.
 - (b) Maintaining a register of gifts and hospitality received by staff (as set out in the [Financial Regulations](#)).
20. **Board and Committee Chairs** are responsible for asking for declarations of interest in relation to agendas at the start of each meeting, determining how to manage each conflict in the context of that meeting, and ensuring that any declarations and mitigating actions are minuted. **All members** have a duty to declare any conflicts of interest² in advance of discussion, shall take no part in the consideration of the matter and shall not vote on it³.

¹ 'Declarations of interest' should be a standing item at the beginning of every board and committee meeting

² [CUC Code of Governance](#) [1.4]

³ [Articles of Government](#) [24]

21. The **Governance & Nominations Committee** is responsible for:
- (a) Approving the appointment of colleagues to University subsidiary or associate companies.
 - (b) Approving this policy and for receiving reports on related activity and compliance.
22. The **Audit Committee** is responsible for the oversight of the University's risk management, control and governance arrangements. This includes consideration of the culture and behaviour that is prevalent within the institution and arrangements that can affect reputation. As such, the Audit Committee is presented with the University's Ethics Framework, and the Conflicts of Interest Policy which forms part of this framework, following approval by the Governance & Nominations Committee.
23. The **Senior Staff Remuneration Committee** is responsible for overseeing any external work commitments approved by the Vice Chancellor for senior post holders.
24. The **University Executive Team, Deans and Directors** are responsible for ensuring that their staff are aware of and comply with this policy. **Deans** and **Directors** are responsible for keeping written records of declaration made within their School or Service.

POLICY MANAGEMENT

Dissemination

25. This policy will be communicated to colleagues and published on the University's [website](#).

Monitoring and Review

26. The University will monitor and review its procedures relating to conflicts of interest on an ongoing basis and make improvements where necessary.
27. The Registrar & Secretary's Office will formally review this policy every 2 years. Any material proposed changes to the policy will be referred to the Governance & Nominations Committee for approval.
28. Our internal auditors regularly monitor the University's systems of internal and risk management controls and governance arrangements which includes the adequacy of the counter fraud measures implemented by the University, as set out in the University's [Counter Fraud Policy](#).

PROCEDURE

Declaring conflicts of interest

29. Where an individual recognises that they have a conflict of interest to declare, they should notify the respective **Responsible Officer** (refer to appendix C) in writing. In many cases, all that will be required to manage the conflict is that the declaration is made, and the written record of the declaration is kept by the Responsible Officer.
30. In addition to individuals acting in accordance with this policy, the University has governance procedures in place where it maintains a **register of interests** (the “register”) for:
- Board of Governors
 - Senior Management Group
 - Resource Centre Managers⁴
 - University nominated directors on subsidiary and associated companies
31. The register, which is open to public inspection, enables the University to:
- (a) ensure compliance with the Financial Regulations and other policies and procedures;
 - (b) inform Procurement where colleagues with purchasing authority declare interests which may impinge on their impartiality in any matter relating to their duties;
 - (c) report the information collected on financial sustainability in returns to the Office for Students and External Auditor; and
 - (d) provide to the University’s insurers for the purposes of arranging Directors and Officers cover.
 - (e) Additionally, information may be shared with the Chair of a Board or Committee as relevant.
32. Where there is a complaint about a failure to disclose a relevant conflict of interest, the complaint will be referred to the [Registrar & Secretary](#).

⁴ Including SBC Managers listed on the Uniorg list

Managing conflicts of interest

33. In some cases, proportionate action may be required to actively **manage** the conflict. The **Responsible Officer** (refer to appendix C) will be responsible for implementing any required actions. The appropriate response to a declaration will depend on the position that the individual holds and degree of influence over the decision-making process and purchasing authority. Examples of mitigating actions to manage declared conflicts, include:

- Adopt an increased level of transparency to facilitate consideration of potential conflicts of interest.
- Standing aside from any involvement in a particular activity / resigning from their conflicting role.
- Exempting the individual from discussion and/or voting/decision making⁵ relating to certain matters. If the Chair of the meeting deems it appropriate, the member may be required to withdraw from all or part of discussions or remain present for preceding discussion.
- Referring certain matters to others for decision.
- Excluded from seeing papers relating to certain matters.
- Declaring an interest to a particular partner, sponsor or third party.

34. Where measures are put in place to manage a conflict of interest, other affected parties may need to be informed. All information shared with any relevant parties under this policy must be kept confidential as far as possible.

35. Where there is uncertainty about how a conflict should be managed, advice should be sought from the [Registrar & Secretary's](#) Office.

⁵ The University's [Articles of Government](#) sets out:

para.24. If a Governor has a pecuniary, business, family, or other personal interest in any matter under discussion, that Governor shall declare such interest and shall take no part in the consideration of the matter and shall not vote on it. The requirements of this Article shall not, however, prevent the Board of Governors considering and voting upon proposals for the Corporation to insure the members of the Corporation against liabilities incurred by them arising out of their office or the Corporation obtaining such insurance and paying the premiums.

para.25. Governors, including the Vice-Chancellor, who are employed at the University or who are students at the University shall withdraw from any meeting or part thereof where his or her own position is under discussion. Where a named member of staff or a prospective member of staff is being considered by the Board of Governors or a committee of the Board of Governors, the Board of Governors or committee may, if it appears appropriate, resolve by clear majority of those present and voting that any Governor or Member of the committee who is employed at the University or is a student at the University should withdraw.

RELATED PROCEDURES

36. HR has specific policies that set out the University's approach to:

- (a) [External Work for Lecturing Employees Policy and Procedure](#) which governs external work for academic staff and requires permission to be obtained from the Dean of School and a written record kept of such requests and their approval.
- (b) [Personal Relationships at Work Policy](#) which sets out the process to manage and declare personal relationships (see the policy for the definition of what is meant by a 'personal relationship'). Where a relevant personal relationship is identified, a record of any actions taken to protect everyone's integrity will be kept by HR on file.

37. The University's [Procurement procedures](#) which require colleagues with purchasing authority to declare to the Head of Procurement any personal interest which may impinge or might reasonably be deemed by others to impinge on their impartiality in any matter relating to their duties. The declaration must be recorded and approved before conducting the business.

38. The [Anti-Bribery and Corruption Policy](#) sets out that it is an offence under the Bribery Act 2010 for members of the University to accept corruptly any gift, hospitality or consideration (or have them given to members of their families) 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. Any gifts or hospitality received, offered or given should be reported (even if refused) and recorded as set out in the [Financial Regulations](#).

39. Undeclared conflicts of interest may be subject to investigation under the [Counter Fraud Policy](#). The University has a [Fraud and Bribery Response Plan](#) which sets out how and who will be responsible for investigating reported fraud and actions to be taken.

The Seven Principles of Public Life

The Committee on Standards in Public Life, which advises on ethical standards, has set out the seven principles (the “Nolan Principles”) where holders of public office need to put the obligations of public service above personal interest.

In accordance with the Nolan Principles of Public Life, colleagues and governors at Leeds Beckett University are expected to discharge their duties impartially and objectively, taking reasonable steps to avoid any actual or perceived conflict of interest.

The seven principles are listed below:

Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Examples of financial and non-financial interests

Financial conflicts of interest refer to anything of monetary value. These may arise where there is, or there appears to be, opportunity to influence for personal financial gain (or financial gain for someone with whom the person has a close personal connection). The level of financial gain is not a determining factor as to whether a conflict of interest should be disclosed.

Examples of financial gain, include (but are not limited to):

- (a) Payments for services
- (b) Award of contracts, discounts, bonuses or other favourable contract terms
- (c) Benefits in kind
- (d) Hospitality and/or gifts
- (e) Equity interests (e.g., stock, shares, and stock and share options or other ownership interests)
- (f) Intellectual Property (e.g. patents, copyrights and royalties)
- (g) Conducting and funding of research Remunerated or honorary positions
- (h) Membership of societies or professional bodies with a relevant interest
- (i) Spinouts and other companies in which individuals have an interest

Non-financial conflicts of interest may include (but are not limited to) direct or indirect enhancement of an individual (or for someone with whom the person has a close personal connection) for the following examples:

- (a) career (e.g. promotion);
- (b) education
- (c) status
- (d) access to privileged information, facilities or property
- (e) personal benefits or gain

Making a declaration to a Responsible Officers

Where an individual recognises that they have a conflict of interest to declare, they should refer to table 1 to notify the respective Responsible Officer.

Table 1

Relevant person with a conflict	Responsible Officer	Arrangements
Colleague ⁶	Dean of School or Director of Service (or equivalent)	Written declaration held by School / Service
<ul style="list-style-type: none"> • Board of Governors • Senior Management Group • Resource Centre Manager⁷ • University nominated director on subsidiary and associated companies 	Reported to the Registrar & Secretary's Office, and reviewed by the Governance & Nominations Committee	Register of Interest maintained by Registrar & Secretary's Office. Copies provided to Financial Services and External Auditors.
Chair of the Board	A collective decision of the deputy chair and the Vice Chancellor (where appropriate, taking advice from the Registrar & Secretary)	
Vice Chancellor	Chair of the Board of Governors	
Member of UET	Vice Chancellor	Open to public inspection.
Dean/Director of Service	Manager responsible for the member of staff	
Member of Boards or Committees	Chair of respective Board or Committee	In addition to the Register of Interests, the Secretary will formally capture in minutes
Colleague with responsibility for the award of contracts	Respective School/Service	Financial Services
Colleague with responsibility for the appointment of agents	Respective School/Service	Written declaration held by School / Service
Consultants and contractors	Commissioning Manager	Written declaration held by School / Service

⁶ 'Colleagues' refers to all individuals working within the University including all levels and grades, officers, employees (whether permanent, fixed term or temporary), workers, trainees, seconded staff, agency staff, volunteers, interns, or any other person working in any context within the University

⁷ Including SBC Managers listed on the Uniorg list

REGISTER OF INTERESTS PROCEDURE

INTRODUCTION

1. A Register of Interests (“the Register”) is to be completed by all relevant persons, being the **Board of Governors**, members of the **Senior Management Group**, certain members of staff including **directors of University subsidiary companies**, and **SBC Managers**. Colleagues with responsibility for the **award of contracts** and the **appointment of agents** are also responsible for declaring conflicts of interest.
2. In accordance with the Office for Students’ Public Interest Governance Principles and the Nolan Principles of Public Life, colleagues are expected to discharge their duties impartially, objectively and with integrity, and to take steps to avoid any conflicts of interest. Occasionally, the outside interests and activities of senior colleagues, or those of someone who has a close personal connection to the individual⁸, may give rise to actual or perceived conflicts of interest.
3. The purpose of the Register is to provide openness and transparency by recording these interests and ensuring that they are handled appropriately. Relevant persons are therefore asked to declare any matters which might influence, or be seen to influence, their conduct in relation to their role within the University and any material decision making.

THE REGISTER OF INTERESTS

4. On first appointment to the University or the Board of Governors, the Registrar & Secretary’s Office will send the relevant person a copy of this policy and a Register of Interests form to complete. The Register is updated annually thereafter each summer as part of the preparation of the University’s Financial Statements. A Board or Committee Chair may decide that any member who does not complete the register of interests as required shall not be permitted to receive papers nor attend meetings.
5. The Register is open to public inspection. The information collected is required to report on financial sustainability and for annual accountability returns to the Office for Students, to provide to the University’s insurers for the purposes of arranging Directors and Officers cover, and for management purposes as part of ensuring compliance with the financial regulations and other policies and procedures.

RELATED PARTY DISCLOSURES

6. Due to the nature of the University’s operations and the composition of the Board of Governors (many of whom are involved with other local public and private sector organisations), there are transactions with organisations in which a member of the Board of Governors or senior staff, or those closely connected to them, may have an interest.

⁸ Including, but not limited to, any children, in-laws, siblings, partner or spouse. See full definition in the University’s Conflicts of Interest Policy.

7. All such transactions are conducted in accordance with the University's Financial Regulations. In order to be open and transparent about any relevant income and expenditure, any transactions totalling more than £1,000 are summarised annually in the Financial Statements.

DECLARING INTERESTS AT A MEETING

8. Before discussion at any Board or committee meeting, members of that body are expected to declare their interest in any relevant item on the agenda, even if that interest has already been registered.
9. On the advice of the Secretary, the Chair may require a member to withdraw from any discussion, decision, or vote on a matter where a direct or indirect financial interest, or a substantial non-financial interest, exists or has been declared. This should be formally recorded in the minutes.

DECLARING INTERESTS IN A CONTRACT OR PROPOSED TRANSACTION

10. Per the University's Financial Regulations, no person shall be a signatory to a University contract, including the raising of a purchase requisition or the approval of a purchase order, where they also have an interest in the activities of the other party.

UNCERTAINTY ABOUT DECLARING ANY PARTICULAR INTEREST

11. Where there is uncertainty about whether a particular interest should be declared, advice should be sought from the Registrar & Secretary's Office in the first instance.

RESPONSIBILITIES

12. Colleagues are responsible for complying with the Conflicts of Interest Policy by ensuring that their entries in the Register are accurate and notifying of any changes to their entry promptly. This is in addition to declaring any interests at meetings.
13. The Registrar & Secretary's Office is responsible for keeping the Conflicts of Interest Policy up to date and for administering the policy in a timely and accurate way. The register is reviewed on an annual basis and maintained by the Registrar & Secretary's Office.

COMPLAINTS

14. Where there is a complaint about a failure to disclose a relevant interest, the complaint will be referred to the [Registrar & Secretary](#).

Conflict of Interest - process overview summary