



Conflict of Interests Policy

Policy no:	4.4
Version date	06-05-2024
Responsible Person	Head of Compliance
Approved by	Senior Management Team
Version number	V02
Next review due	01 April 2025
Related policies	<ul style="list-style-type: none"> - Admissions Policy - Anti-Bribery and Ethical Gift Policy - Staff Code of Conduct Policy - Safe Staff Recruitment Policy - Staff Handbook
External reference points	Under the Office for Students Condition E2 Management and governance: <i>the provider maintains a public register of conflicts of interest and such conflicts are appropriately managed in practice</i> (OfS Regulatory Framework, 24-11-2024, p168).

Contents

1.	Introduction	3
2.	Purpose and Scope.....	3
3.	Definition and Examples of Conflict of Interest.....	4
4.	Declaring and Recording Conflicts of Interest	6
4.1.	Members of Staff	6
4.2.	Board and Committee Members	6
5.	Managing Conflicts of Interest.....	8
6.	Potential Outcomes	10
6.1.	No Conflict Exists	10
6.2.	Conflict Does Exist	10
7.	Summary of Responsibilities.....	10
	Appendix 1 Staff Declarations of Interests	12
	Appendix 2: Board and Committee Members Declarations of Interests	13
	Appendix 3: Examples of the Management of Declared Interests.....	14

1. Introduction

This policy demonstrates the commitment of Trent Education Centre [‘the College’] to upholding high ethical standards and maintaining the confidence of its students, faculty, stakeholders and the wider community. It defines the responsibilities of the Board of Governors, the Senior Management Team, faculty, staff, and students, to act in the best interests of the College and its stakeholders. It outlines the procedures for identifying, disclosing, and managing conflicts of interest amongst stakeholders within the College community, and prevents situations where personal interests or relationships could interfere with the College’s decision-making processes, jeopardise its reputation, or create unfair advantages for individuals associated with the College. By adhering to this policy and its procedures, the College can ensure that decisions are made with integrity and objectivity.

2. Purpose and Scope

A robust Conflict of Interest Policy prevents unethical behaviour and promotes a culture of trust, transparency, and accountability within the College. It mitigates the risk of legal cases being brought against the College or its stakeholders and prevents reputational damage to the College from unresolved conflicts. It safeguards the impartiality of the College by promoting the disclosure and management of actual, potential, or perceived instances where the decisions or actions of a person or persons may be influenced by opportunities for personal gain. By setting clear and fair expectations and mechanisms for identifying, disclosing, and managing conflicts of interest, this policy sets out the consequences for non-compliance, and ensures that decisions are made in the best interests of the College as a whole.

This Policy is applicable to all Trent Education College employees, as well as students and individuals from outside the College who are members of College Committees or participate in any other activities associated with the College, including visits to external organisations, exchange programmes, foreign trips, procurement of goods and services, construction, renovation or maintenance activities and investment of funds. The list of activities is not exhaustive, and there are a wide range of situations in which conflicts of interest may arise that cannot be predicted.

The College expects all staff to act in the best interests of the College with integrity and honesty and must avoid situations where their personal interests may conflict with their role at College. It is the responsibility of individuals to recognise situations in which a potential conflict of interest might reasonably arise, and to disclose such situations to the College by taking the appropriate steps identified in this Policy. All College stakeholders must seek advice from their line manager, or member of the Senior Management Team if they are unsure about the need to make a disclosure. Members of the Senior Management Team may seek advice from the Audit and Risk Committee and the Board of Governors.

The College recognises that its members may have various outside interests, such as other jobs, consulting positions, roles on charity boards, or membership in public bodies. The purpose of this policy is not to restrict these activities unless restrictions have been stipulated in an employee’s contract of employment, but to ensure that any conflicts of interest are acknowledged, disclosed, and appropriately managed.

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 their 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.

The Senior Management Team is responsible for the implementation and monitoring of this policy, including the maintenance of the College's Register of Disclosed Conflicts of Interests and their mitigations.

3. Definition and Examples of Conflict of Interest

A **conflict of interest** occurs when an individual's obligations to the College clash with their personal, financial, or other interests, or with the interests of someone close to them. It is irrelevant if an individual is swayed by these interests; what matters is whether they could be perceived as affecting their ability to make impartial decisions on behalf of the College.

A **perceived conflict of interest** occurs when an outsider may believe that an individual's loyalties or interests are divided. Even if the individual does not view the situation as a conflict, they should assess whether it could be seen that way by others. Perceived conflicts of interest must also be managed, reported, and logged.

A **potential conflict of interest** may arise when an individual's interests, although not conflicting at present, could lead to a conflict in the future.

Situations in which conflicts of interest might arise include:

- where there is actual, potential or perceived personal gain or gain to an immediate family member, close contact or associate.
- where there is actual, potential or perceived financial gain which may be seen to influence action or decision-making.
- where an individual is in an actual, potential or perceived position to directly or indirectly enhance their career or the career of others with whom they are personally associated.
- where there is actual, potential or perceived reputational impact for either the College or the individual personally.
- Conflicts of interest may arise from external affiliations or dual roles within the College community, leading to potential conflicts in various areas such as procurement, research funding, and contractor selection.

Conflicts of interest can involve financial or non-financial considerations.

Financial conflicts may occur when there is a potential for personal financial gain, financial gain for a family member or close associate, or when it could be perceived that financial incentives might impact an individual's decisions. This can include payments, benefits, gifts, or other forms of financial gain.

Non-financial conflicts may involve personal or career advantages, improvements to education, or benefits to connected individuals. It is important for staff, Board and Committee members to carefully consider their actions and potential conflicting interests that could influence them or create the appearance of influence.

Examples:

Conflict of interest arise in various settings. The following list, which is not exhaustive, provides examples of situations where there may be a conflict of interest:

- A staff member who has a side business that offers similar services to those provided by the College.
- Staff, Board or Committee members have multiple roles that could influence decisions related to admissions, recruitment, and commercial transactions.
- An individual employed by the College or completing work on behalf of the College has connections with individuals who are taking assessments or examinations at the College.
- A position involves both a business opportunity and a focus on quality and/or standards.
- A member of staff has a relationship with a student appearing for assessment / examination at the College.
- A member of staff who has a close relationship with a student including, is involved in making decisions that may benefit the student. This includes, (but is not restricted to), student admissions, student assessment and examination, disciplinary proceedings, appeals, supervision, academic progress, or the award of prizes.
- A member of staff has a direct or indirect relationship with vendors, suppliers, or contractors with which the College does or is likely to do business.
- A staff Board or Committee member is 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.
- Performance appraisals and promotion of employees conducted by a close relative of the staff member being appraised or potentially offered promotion.
- Staff involved in decisions relating to the recruitment or assessment, allocation of duties or promotion of any individual with whom they have a personal relationship. The College's Safe Staff Recruitment Policy must be followed.
- Acceptance or use of gifts and hospitality of a material nature from students, vendors, suppliers, and other persons regardless of the nature of gift.

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, political or other educational bodies. It is particularly important for members of the Board of Governors and Senior Management Team 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 to the business of the Senior Management Team, the declaration shall be made as soon as practicable either at the meeting or in advance to the Chair and minute-taker of the Senior Management Team. The minute-taker must pass the declaration to the Secretary of the Board of Governors, who maintains the Record of Declared Interests for all staff and stakeholders

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

4. Declaring and Recording Conflicts of Interest

4.1. Members of Staff

The employment contract **clause number 4** requires employees (full-time/part-time) to disclose any actual or potential conflict of interest. If an employee or other stakeholder has any conflict of interest, he/she should complete the Declaration of Interest form and submit it to the HR Manager, who will record it on the College's staff management system, **Bright HR**. Staff should also submit a copy of the Declaration of Interest form to the Secretary of the Board of Governors, who maintains the Record of Disclosed Conflicts of Interest.

Staff who do not have any conflicts of interest to declare are not required to complete the Declaration of Interest Form.

4.2. Board and Committee Members

Members of the following Boards and Committees must submit an annual Declaration of Interest form to the minute-taker or chair of their respective Board or Committee and to the Secretary of the Board of Governors, who maintains the Register of Disclose Conflicts of Interest and their mitigations.

- Board of Governors
- Audit and Risk Committee
- Remunerations Committee
- Finance Committee
- Senior Management Team

Those who are members of more than one of the above Boards or Committees will only be required to submit one Declaration of Interest form per annum.

Declarations of interest should be a standing item at the beginning of Board and Committee meetings, so that members and regular attendees can declare any conflicts of interest in relation to the items on the agenda for the meeting. The members of Boards and Committees must inform the Chair of their Board or Committee whenever a change has occurred that may give rise to a potential or perceived conflict of interest. If a conflict of interest is disclosed, the Chair of the Board or Committee will decide if the relevant member can:

- Fully participate in the business of the Board or Committee 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 Board or Committee where there is a significant or ongoing conflict.

If the Chair has a conflict of interest, the Board of Committee should agree for the Vice-Chair or another appropriate member to act as Chair for the relevant item.

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 of Governors 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.

Both the declarations and any mitigating actions should be minuted. Declarations and mitigations should be passed to the Secretary of the Board of Governors, who maintains the Register of Disclosed Conflicts of Interest.

All staff must disclose any changes to their interests as soon as they are aware of them.

Staff and members of Boards and Committees should not be involved in any decision-making, including appointment panels, without having declared their interests. 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 an actual, potential or perceived conflict of interest involving another member of the College community and should in these instances request that the individual declares their interests so that they can be managed appropriately.

5. Managing Conflicts of Interest

It is important for individuals to be aware of and actively manage any conflicts of interest to maintain integrity and trust within the institution. Open communication and a commitment to ethical behaviour are essential in addressing conflicts of interest effectively.

All conflicts of interest, whether actual, potential, or perceived, should be assessed and any mitigations considered by the Senior Management Team, which receives updates to the Register of Disclosed Conflicts of Interest from the Secretary of the Board of Governors together with periodic reports on conflict of interest from the Head of Compliance. The SMT reports on conflict of interest to the Board of Governors.

In some situations, simply disclosing and recording the interest may be the only necessary action.

In other cases, in order to ensure that decisions are made in a fair and transparent way, more active management may be required. This will depend on the nature and context of the interest, but could include:

- Not taking part in discussion of certain matters and any decisions/votes relating to those matters.
- Not taking part in decisions relating to certain matters, but still being present for any preceding discussion.
- Referring decision-making on certain matters to others.
- Agreeing not to act as a particular person's supervisor.
- Divesting or placing in trust certain financial interests.
- Publishing a notice of interest.
- Standing aside from any involvement in a particular project.
- Declaring an interest to a sponsor or third party.

The declaration of interests of individuals must be specifically assessed where they relate to the following types of decision:

- Staff Recruitment: HR Manager, specific line manager and other interview panel members
- Assessment and Examination: Head of Higher Education, Programme Leader, Tutor, Assessor and Internal Verifier
- Commercial: Head of Operations
- Board or Committee (members and attendees) Chairs of Boards and Committees will decide whether any action is necessary to manage each interest which their members or regular attendees disclose via the annual declaration of interest form.

The Senior Management Team on receipt of the update Register of Disclosed Conflicts of Interest from the Secretary of the Board of Governors, and a supporting report from the Head of Compliance, will decide what mitigating steps are necessary if any. They should decide on the appropriate action for each conflict disclosed to them, communicate this decision in writing to the person who disclosed the conflict, and ensure this is documented by the Secretary of the Board of Governors in the College's Register of Disclosed Conflicts of Interest. If the conflict is pertinent to the individual's involvement in another Board or Committee, the information may be shared with the Chair of that Committee or Board. In rare instances, such as with complex or disputed conflicts, the SMT chair may seek advice from the Audit and Risk Committee and/or the Board of Governors.

These actions should be reviewed annually by the Head of Compliance and updated as necessary to ensure they remain relevant. The actions should also be reviewed if the reviewer is notified of any material changes to the matter declared.

It is crucial to acknowledge that evaluating conflicts of interest can vary in terms of their level of directness and importance. When determining the severity of a conflict of interest and the potential for bias, multiple factors should be considered. These factors may include, but are not limited to:

- The severity of the conflict, whether it is actual, potential, or perceived.
- The relationship between the conflicting interests.
- The impact that one interest may have on the other.
- The significance of the decision or activity at hand.
- How likely it is for the individual's other interest to influence the College's decision.
- The level of involvement that the individual has or plans to have in the College's decision-making process.

Appendix 3 gives examples of possible ways of managing different types of conflict.

6. Potential Outcomes

6.1. No Conflict Exists

Where the Senior Management Team determines that there is no conflict of interest, this should be formally recorded and reported in the Register of Disclosed Conflicts of Interest. An explanation and any supporting documentation should be included as to why it was concluded that no conflict arose.

If 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.

6.2. Conflict Does Exist

Once a conflict of interest is identified, the Senior Management Team will decide on the necessary steps to address the issue. These may include:

- Remain: be allowed to carry on if the conflict is deemed minor.
- Proceed with permission: request formal approval to participate (if legally allowed)
- Proceed with limitations or increased supervision: have their actions closely monitored in relation to the specific project.
- Step back: to refrain from discussing or deciding on the activity or course of action.
- Delegate: assign the decision, tasks, or responsibilities to others.
- Step aside: to remove oneself from any involvement in the project.

7. Summary of Responsibilities

All staff must disclose conflicts of interest with their College duties to their line manager, the HR Manager and the Secretary to Board of Governors

Members and regular attendees of the following Boards and Committees must declare any personal, financial or other interests (and/or those of their relatives or close personal contacts) which constitute existing or potential conflicts with their College duties via the Declaration of Interests form. They should give notice of any changes to their interests via the form at the earliest opportunity.

- Board of Governors
- Audit and Risk Committee
- Remunerations Committee
- Finance Committee
- Senior Management Team

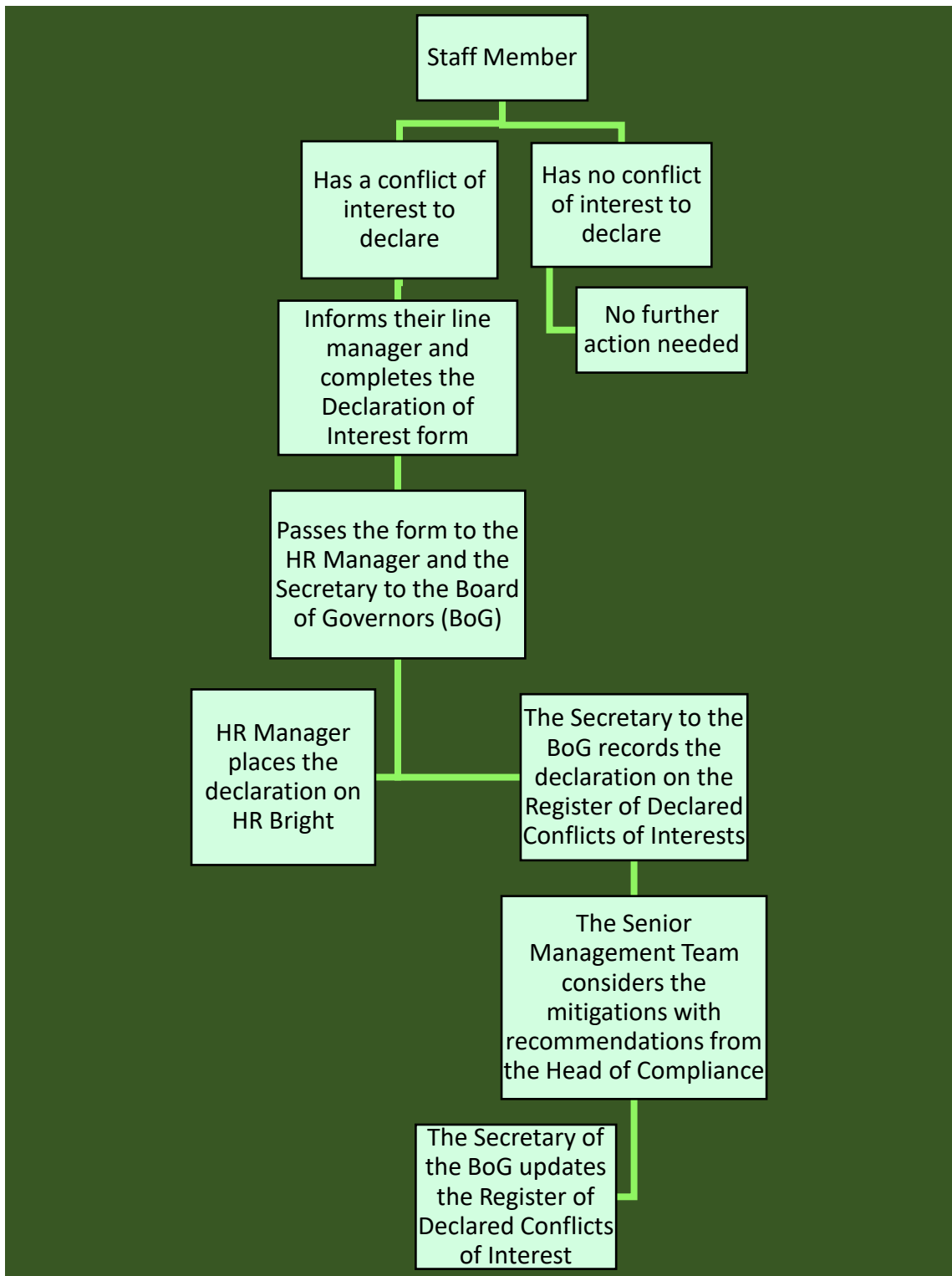
The Head of Compliance is responsible for: ensuring that all staff and students or external members of College, are made aware of this policy

The Secretary of the Board of Governors is responsible for ensuring that an up-to-date Register of Declared Conflicts of Interests is maintained.

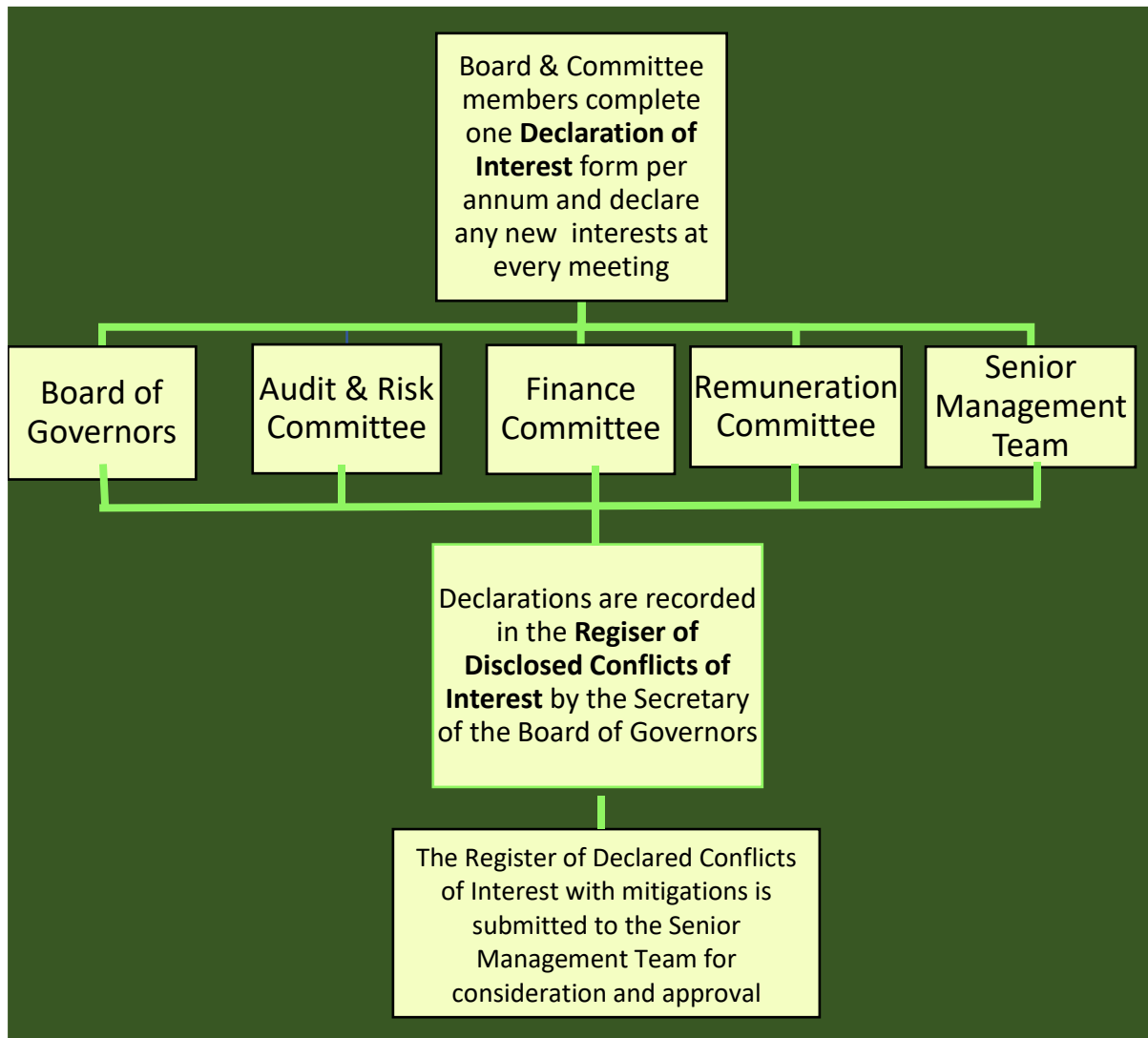
The Senior Management Team is responsible for determining how to manage each conflict of interest

Chairs of all Boards and Committees are responsible for: asking for declarations of interest in relation to the agenda at the start of each meeting, determining how to manage each conflict in the context of their meeting, and ensuring that the declarations and any mitigating actions are minuted and passed to the Secretary of the Board of Governors for recording on the Register of Declared Conflicts of Interest.

Appendix 1 Staff Declarations of Interests



Appendix 2: Board and Committee Members Declarations of Interests



Appendix 3: Examples of the Management of Declared Interests

Situation	Who to declare to	Possible Mitigation Strategy
<p>Teaching and/or Assessment A faculty member with a significant personal or familial tie to a student or an individual linked to the student, who may participate in decisions concerning the student's admission, assessment, academic advancement, or the allocation of scholarships, or bursaries to the student.</p>	The Head of Higher Education	The student will be notified of the disclosure, and steps will be taken to ensure that the staff member does not maintain any professional relationship with the student.
<p>Staff Recruitment A staff member who typically participates in the selection process for a new appointment discovers that a close family member is a candidate for the position.</p>	HR Manager/Chair of the Recruitment Panel	If a staff member has a relative as a candidate for a position, they must abstain from participating in the recruitment process and another staff member should take their place for this position.
<p>Board or Committee Meeting a) An external committee member who provides advice or serves on committees at different educational institutions. b) A committee member with a vested interest in a matter on the agenda. c) Student member of a committee, who is also part of a student society which has been lobbying for a policy that relates to one of the agenda items.</p>	Senior Management Team (for the Register of Declared Conflicts of Interest) and Chair of the Board or Committee (when the conflict relates to a particular agenda item)	<p>a) Affiliation with other organizations that may pose a conflict of interest should be documented in the Institution's Registry of Declared Conflicts Of Interest. b-c) The individual is required to disclose any pertinent conflicts at the outset of meetings. The Chair will determine appropriate actions, which may involve the conflicted member: choosing to refrain from participating in the discussion and decision-making process regarding the item; or remaining for the discussion but not the decision on the item; or remaining for the full item, but not participating in the decision. The conflict and action should be minuted.</p>
<p>Finance A staff member involved in negotiating a contract between the College and a supplier in which they or someone connected to them holds a financial or non-financial interest.</p>	The Senior Management (SMT) Team and Managing Director	The employee should declare the conflict of interest prior to engaging the company, the Secretary of the Board of Governors will update the Register of Declared Conflicts of interest and the SMT may grant pre-approval for engagement and/or expenses, if warranted

Appendix 4: Template for the Register of Declared Conflicts of Interest

TEC Stakeholder Name		Role		Ownership	
DOB		Tel:		Email	
	Company Number/ Charity/Details	Nature of Business	Conflict of Interest Assessment	Management/ Mitigation	Review Date
Directorships					
Shareholdings					
Trusteeships					
Charities					
Professional Bodies					
Additional Interests					
Employment					
Political Interests					
Public Appointments					
Other interests					
Gifts or Hospitality Received					

Appendix 5: Declaration of Interest Form



DECLARATION OF INTEREST FORM

Board of Governors

The College is committed to best practice in all aspects of corporate governance. As part of this commitment, all members of the Board of Governors are required to exercise independent judgement in the best interests of the College and should not be perceived to be unduly influenced by external factors in their decision-making. This includes fully disclosing any actual, perceived, or potential conflicts of interest.

This declaration should be completed on appointment, and annually thereafter. Members are requested to notify the Secretary of any changes as they occur, to ensure the Register of Interests is kept up to date. In addition, members should also declare any conflict of interest that might arise from an agenda item of a meeting by emailing the Secretary.

The onus is on members to consider any interests they may have, as well as any potential conflict of interests of immediate family members. The following table seeks to assist in disclosing the information.

Declaration of Interests		
	Direct Interests of Member <i>This column should be used to declare all your personal and/or financial interests. If there are no interests to declare in a category, please write None.</i>	Indirect Interests of Member <i>This column should be used to include any interests of spouse/partner/cohabitee and immediate family members which may give rise to a conflict of interest with the College.</i>
Employment <i>Any remunerated roles or consultancy work, including details of the organisation and your role.</i>		
Directorships <i>Including details of the organisation and company registration number.</i>		
Shareholdings <i>Shareholdings amounting to 5% or greater of the share issue in a public or private company or any other body.</i>		
Trusteeships <i>Details of trusteeships or management of charities and other voluntary bodies, including any charity numbers.</i>		

Political Interests <i>Those that are a matter of public record.</i>		
Professional bodies <i>Membership of professional bodies and trade or other associations.</i>		
Other interests <i>Any other interests not listed above.</i>		
Public appointments <i>Including board committee roles.</i>		

Members of the Board of Governors or other Boards and Committees must not benefit from their position with the College in a way which might reasonably be seen to compromise personal judgment or integrity.

Gifts & Hospitality	
Gift/Hospitality received by a member. <i>Issued by organisations outside of the College because of your position as a member.</i>	Date

In signing this declaration, I confirm that to the best of my knowledge I have declared all my interests.

Name (Print):

Signed:

Date:

Please return this by email to the Secretary of the Board of Governors.