

Policy & Procedure	Conflict of Interest Procedure
Policy Area	Governance
Version Number	01
Approving Committee	Board of Management
Date of Approval	24 April 2023
Date of Equality Impact Assessment	
Date of Review	24 April 2024
Responsible Senior Manager	Director of Finance

Policy Statement

All college policies are in a standard format and a consistent approach is taken in the production, monitoring and review process. The current official version of every policy is the one that is published on the staff intranet under the section headed Policies and Procedures. A policy becomes effective as soon as it is published on the staff intranet. If a policy is to be published in other locations then where possible it should be hyperlinked to the definitive version on the staff intranet.

Associated Policies/Procedures

Where applicable Procedures associated with observing the policy are contained within this policy document, listed below and available on the below link on the Staff Intranet. Template documents associated with this policy are also located in the Forms section of the Staff Intranet.

<https://intranet.westcollegescotland.ac.uk/reference/SitePages/Policies%20and%20Procedures.aspx>

Equality Statement

The College is committed to providing equal opportunities to ensure its students, staff, customers and visitors are treated equally regardless of gender reassignment, race, religion or belief; disability; age; marriage and civil partnerships; pregnancy and maternity; sexual orientation; sex.

Please note this document is available in other formats, to request another format please email info@wcs.ac.uk

History of Amendments

Date	Version/Pages/Sections Affected	Summary of changes
April 2023	1	Master Document

Contents

Purpose	1
Scope	1
Responsibility	1
Procedure	2
Records	5
References	6
Equality Impact Assessment	7

Purpose

The purpose of this Procedure is to provide the means by which the Board of Management delivers the Conflict of Interest Policy, and the requirement to identify, manage, record, and learn from instances of such conflicts.

Scope

This Procedure applies to members of the Board of Management, specifically regarding instances in which Board members are involved in making decisions on behalf of the College.

Responsibility

Chair of the Board

- Responsible for advising Board members where there may be a conflict of interest.
- Confirming to the Board of Management when a conflict has been identified.
- The Chair will also have responsibility for any final decision on how any conflict of interest is managed.

Governance Manager

- Responsible for ensuring the correct implementation of the Procedure.
- Providing advice to the Board on possible or perceived conflicts of interest.
- Ensuring that Board members are familiar with both the Conflict of Interest Policy and Procedure.

Audit Committee

- Responsible for monitoring instances of confirmed conflict.
- Responsible for referring such instances to the Chair of the Board of Management as appropriate.
- Reviewing and approving the Conflict of Interest Policy and Procedure.

Senior Independent Member (SIM) of the Board

- The Senior Independent Member of the Board will ensure the resolution of any disagreement with regard to an actual or perceived conflict of interest.

Procedure

Conflict of Interest Procedure

The Procedure comprises 4 key steps (Ref. [OSCR.org.uk/charities/guidance](https://oscr.org.uk/charities/guidance)):

1. Identify
2. Manage
3. Record
4. Learn

Identify

- Ensure the Conflict of Interest Policy is regularly reviewed and that Board members fully understand what constitutes a conflict.
- Ensure that the College's Standing Orders indicate how conflicts are managed.
- Ensure the Register of Interests is reviewed annually and kept up to date.
- Include a standard agenda item at each Board or Committee meeting to consider any declarations relating to conflicts of interest.
- Board members should declare a conflict of interest as soon as one becomes evident whether actual, potential, or perceived.
- Board members should raise any perceived or potential conflict of interest with the Chair of the Board.

Manage

- Ensure the Conflict of Interest Procedure is regularly reviewed and that Board members are familiar with it.
- Apply the Conflict of Interest Policy and Procedure whenever there is a potential conflict of interests.
- Decide on whether a Board member with an identified conflict of interest should be involved in any discussions or decisions relating to that conflict of interest. Where authorisation is given for the Board member's continued involvement in the decision-making process, a justification outlining the reasons for this must be provided.
- Ensure that decisions are taken in the College's interests where any conflicts of interest are identified.
- Ensure the Board of Management is still able to carry out its duties and responsibilities if Board members are required to withdraw as a result of a conflict of interest.

Record

- Keep a written record of the situation and any steps taken by the Board of Management, the Chair and/or, the Governance Manager, including:
 - Which Board member the conflict affected.
 - When the conflict was identified and declared.
 - What was discussed and the decision taken.
 - Who withdrew from the decisions and how the remaining Board members decided in the best interests of the College.
 - Maintaining the College's Register of Interests.

Learn

- Document lessons learned from the experience and review the College's policies and procedures to assess where improvements could be made, seeking professional advice where necessary.
- Where conflicts of interest arise frequently and Board members are required to withdraw from discussions, the Board of Management may need to consider whether the current composition of the Board is suitable for maintaining the effective management of the College.
- Note that the strategic body has the power to remove any Board member who is "unable or unfit to discharge the member's functions" (Ref. Schedule 2 to the 1992 Act as amended by the Post-16 legislation: Section 5B. Section 24 of the 1992 Act: Mismanagement by Boards).

Records

Record	Record Format	Record Holder	Retention Period
Record of Meetings with Chair, Governance Manager	Electronic file	Governance Manager	8 years (i.e. maximum period of Board member tenure)
Board of Management Committee minutes	Electronic file	Governance Manager	10 years
Board of Management minutes	Electronic file	Governance Manager	10 years

References

Document Type	Document Name
Policy	Conflict of Interest Policy
External Document/ Website	OSCR Conflict of Interest Guidance: https://www.oscr.org.uk/guidance-and-forms/guidance-and-good-practice-for-charity-trustees/conflict-of-interest/

Equality Impact Assessment

Name of policy/procedure/decision:

Responsible Person:

Date:

1. What information is readily available to measure the effect this policy/procedure/decision has on people who share protected characteristics? What data is not available or not reliable?

2. What does this information indicate about positive, neutral and negative impacts on people who share protected characteristics? Please detail below.

Protected Characteristic	Description of Impact
Age	
Disability	
Sex	
Gender Re-assignment	
Sexual Orientation	
Race	
Religion or belief	
Pregnancy Maternity	

3. What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified above?

4. Has there been consultation/is consultation planned with stakeholders/ learners/ staff who will be affected by this policy/project/decision? Please detail below how this has affected your decision making.

5. How will the policy/project/decision be monitored and evaluated?