

Policy & Procedure	Conflict of Interest Policy
Policy Area	Finance
Version Number	01
Approving Committee	Audit Committee
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

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Introduction

West College Scotland is a registered charity (charity number: SC021185) and as such, all West College Scotland Board of Management members are Charity Trustees, subject to the relevant legislation and regulations as these apply to charitable organisations in Scotland, as well as College policies and procedures. The specific sections of charity law in Scotland dealing with conflict of interest are:

- Charities and Trustee Investment (Scotland) Act 2005 ([Section 66](#))
- The Scottish Charitable Incorporated Organisations Regulations 2011 ([Regulation 2](#))

This Policy reflects the core College values of Integrity, Honesty, and Transparency.

This Policy reflects the responsibilities of Board members as outlined in the College [Code of Conduct](#).

Purpose and Aims

This Policy is a requirement under the above regulations, and its purpose and aims are to protect the integrity of the College's decision-making process, to enable stakeholders to have confidence in the College's integrity, and to protect the integrity and reputation of Board members.

The Policy embodies the Board of Management's commitment to best practice and probity in decision-making.

Scope

This Policy 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.

Policy Statement

All members of the Board of Management must, in exercising functions in that capacity, act in the interests of the charity (Charities Act 2005 66(1)).

Board members must seek to ensure that the College acts in a manner consistent with its purposes.

Board members must act with care and diligence and put the interests of the College before those of another organisation or person.

Where any other duty prevents the Board member from putting the interests of the College before those of another organisation or person, the member must disclose the conflicting interest, and refrain from participating in any deliberation or decision of the other charity trustees with respect to the matter in question.

All Board members will strive to avoid any conflict of interest between the interests of the College on the one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.

Definitions with Examples

(Ref: [oscr.org.uk](https://www.oscr.org.uk))

A conflict of interest is any situation where there is a potential for a [Charity Trustee's](#) personal or business interests (or the interests of someone they are connected with) to be different from the interests of the [charity](#). In this situation, it may sometimes be difficult for the charity trustee to make an impartial decision. However, with proper handling charity trustees can overcome these difficulties.

There are two main types of conflict of interest:

Appointment conflict. This is a conflict of interest which can arise between a charity trustee and the person or organisation which appointed them. For example: A charity trustee is appointed by a local school, church or local authority and a decision is required on a matter which affects both the charity and the other organisation.

Personal conflict: When you might not be able to do what is best for the charity because it conflicts with your own personal or business interest in relation to that matter. For example, when a charity (i.e. the College) is considering a contract with a business and one of the charity trustees is also a director of that business or of a competing business. In both cases the [Charity Trustee's](#) duties require you to act in the interests of the charity.

The term 'conflict of interest' can cover a range of situations and may also be called a 'conflict of roles' or 'conflict of duty'.

Examples (drawn from those provided by OSCR) wherein:

- A charity trustee could derive financial benefit from a decision the charity has to make.
- A charity trustee is discussing a contract or business arrangement with an organisation linked to the trustee's family.
- A charity trustee is also an employee of a company with which the charity has business links.
- An employee, or potential employee, of the charity is connected to one of the charity trustees.
- A trustee of two or more charities are in competition with each other for the same grant(s) or funding.
- A trustee of a charity that gives out grants and a trustee of another charity is applying for one of these grants.
- A trustee of a charity that is part of a group structure is on the board of the parent charity.
- A trustee of a charity is also a service user or customer.
- A charity trustee is applying for a job in the charity.

Responsibilities (of Board Members)

Upon appointment each Board member will make a full written disclosure of interests, such as relationships and posts held, including any that could potentially result in a conflict of interest. This written disclosure will be kept on file, published on the College website, and will be updated annually or as and when appropriate.

During meetings or activities, Board members must disclose any potential conflicts of interest relating to a transaction or decision, where these could be deemed to exist between their own best interests and those of the College. A declaration must also be made, and clarification sought, where the potential conflicts of interest are between the best interests of two organisations that the Board member is associated with.

If a Board member considers that there may be a potential conflict of interest between their own interests and those of the College, or that it could be perceived as such, they must raise the matter with the Chair of the Board or Secretary to the Board.

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?