

Policy & Procedure	Declaration and Management of Conflict of Interest
Policy Area	Governance
Version Number	02
Approving Committee	Audit and Risk Committee
Date of Approval	22 May 2024
Date of Equality Impact Assessment	
Date of Review	24 April 2026
Responsible Senior Manager	Director of Finance and Estates

History of Amendments

Date	Version/Pages/Sections Affected	Summary of changes
April 2023	1	Master document
April 2024	2	Titles of Policy, Procedure Approving Committee, Responsible Manager, Inclusion of co-opted members, Additional internal references

Policy Statement

The College is committed to maintaining the highest standards and conducts its business in accordance with best practice in further education corporate governance and with the seven Principles identified by the Committee on Standards in Public Life (selflessness, integrity, objectivity, accountability, openness, honesty, and leadership).

Equality Statement

The College is committed to providing equal opportunities to ensure its students, staff, Board Members, 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.

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1. Purpose

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

2. Scope

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

3. Responsibility

3.1 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.

3.2 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 Declaration and Management of Interests Policy and Procedure.

3.3 Audit & Risk 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 Declaration and Management of Interests Policy and Procedure.

3.4 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.

4. Procedure

4.1 The Declaration and Management of Interests 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

4.1.1 Identify

- Ensure the Declaration and Management of Interests 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.

4.1.2 Manage

- Ensure the Declaration and Management of Interests Procedure is regularly reviewed and that Board members are familiar with it.
- Apply the Declaration and Management of Interests 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 and recorded within the relevant minute.
- 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.

4.1.3 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.

4.1.4 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).

5. 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

6. References

OSCR Conflict of Interest Guidance:

<https://www.oscr.org.uk/guidance-and-forms/guidance-and-good-practice-for-charity-trustees/conflict-of-interest/>

Conflict of Interest Policy

Code of Conduct

Trustee Role Profile

Anti-Bribery & Corruption Policy

Anti-Fraud Policy

Hospitality, Gifts and Benefits Policy

Register of Interest Form