

Policy & Procedure	Declaration and Management of Interest
Policy Area	Governance
Version Number	02
Approving Committee	Audit and Risk
Date of Approval	22 May 2024
Date of Equality Impact Assessment	
Date of Next Review	22 May 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
May 2024	All	Title / Area / Lead Policy Statement Internal References Introduction Scope Policy Statement Definitions Responsibilities

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).

The purpose of this policy is to protect the integrity of West College Scotland'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 and the Executive Team.

Board Members, Committee Members and members of the Executive Team are required to sign a personal declaration in respect of Register of Interests/ Related Party Transaction on at least an annual basis.

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.

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1. Introduction

1.1 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](#))

1.2 In our Annual Report and Accounts we are required to disclose all material transactions with 'related parties'. The statutory requirement for transactions connected with Trustees/ Board Members are outlined in the above Act. It is therefore necessary to ensure that any such relationship and transaction that exist are brought to light, considered and disclosed if material. At the request of the Auditors, Trustees are required to declare any transaction or any other matter that requires to be disclosed within the financial statements.

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

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

2. Purpose and Aims

2.1 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.

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

3. Scope

- 3.1 This Policy 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.

4. Policy Statement

- 4.1 All members of the Board of Management and co-opted committee members, must, in exercising functions in that capacity, act in the interests of the charity (Charities Act 2005 66(1)).
- 4.2 All Board members and Co-opted Committee members must complete a Register of Interest Form on at least an annual basis and declarations of interest are disclosed at the start of each Board and Committee Meeting.
- 4.3 Board members must seek to ensure that the College acts in a manner consistent with its purposes.
- 4.4 Board members must act with care and diligence and put the interests of the College before those of another organisation or person.
- 4.5 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.
- 4.6 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.

5. Definitions with Examples

(Ref: oscr.org.uk)

5.1 It is impossible to list all possible conflicts of interest as circumstances and relationships vary so widely. The following non-exhaustive list may be considered as examples:

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.

5.2 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.*

6. Responsibilities (of Board Members)

- 6.1 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 (**identify**). This written disclosure will be kept on file, published on the College website, and will be updated annually or as and when appropriate.
- 6.2 During meetings or activities, Board members must disclose (**declare**) 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.
- 6.3 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.
- 6.4 As per the Conflict of Interest Procedure, the Chair or Senior Independent Member will ensure the resolution of any disagreement with regard to an actual or perceived conflict of interest.

6.5 Where an interest is declared, the Board should consider and determine whether that interest represents – or could be seen to represent – a conflict. Where the Board determines that a conflict does or may exist, the relevant Board Member may be asked to leave whilst the matter is discussed, and decision taken. The minute shall **record** the Board's understanding of how the interest is managed and if and when the member departs and returns to the meeting.

6.6 Failure to disclose a conflict of interest or to appropriately refrain from related activities until the conflict is resolved may be constituted as a breach of this policy.