

Conflict of Interest Policy



| Document Control Information | |
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| Reviewed by the Audit and Risk Committee: | 22 February 2022 |
| Date of Next Review: | 22 February 2024 |
| Approved by the Board of Management: | 14 March 2022 |

The Board of Management (or any person/group with delegated authority from the Board) reserves the right to amend this document at any time should the need arise following consultation with employee representatives. This Policy has been subject to an Equality Impact Assessment, which is published on our website: <https://www.glasgowkelvin.ac.uk/equality-diversity/>

Glasgow Kelvin College
Board of Management
Conflict of Interest Policy

1. Introduction

Trustees have a statutory obligation to act in the best interest of the charity and the regulatory framework for the charity.

This policy is intended to assist members as a trustee of a charity, to avoid conflicts of interest and to act appropriately where a conflict of interest arises. It sets out how members and those attending the Board of Management or its Standing Committees should manage conflicts of interest.

This policy is part of the College's approach to setting out the expectations of members of the Board/Trustees of a charity. This policy sits alongside the Register of Interests procedures, Code of Conduct and Induction processes. Collectively, this suite of governance documents ensures appropriate cognisance of any conflicts are taken into account during decision making processes.

2. Conflict of Interest

A conflict of interest arises when a trustee's personal interests impact on the work of the College. The trustee must manage any situation where s/he has, or may be seen by others to have, the potential to benefit personally from membership of the Board of Management.

These interests can be financial or non-financial. A direct financial interest may occur if a trustee would benefit from business dealings with the College or if a trustee is an employee of the College. A non-financial benefit can occur if a trustee would benefit from the services provided by the College to another organisation of which the trustee is an owner/member/employee. Or if any indirect benefit would accrue to a close family member, a business colleague or other close relationship.

A direct conflict of interest arises where a trustee's decision making is, or may be seen by others to be¹, influenced by:

- an appointment to another body or organisation;
- membership of another organisation, particularly that which engages directly with the College; and
- employment or ownership of a business

¹ via an objective test

This is not intended to be an extensive or prescriptive list of conflicts and it is the responsibility of each trustee to declare:

- actual conflicts of interest;
- potential conflicts of interest; and
- reasonable perceptions of conflicts of interest by others.

Should a member be unsure with regard to declaring a conflict of interest s/he should consult the Secretary to the Board of Management.

3. Managing Conflicts of Interest

A conflict of interest should be managed as follows:

- declaration of the conflict, or potential conflict, should be made at the earliest opportunity;
- the agenda for the Board of Management and its Standing Committees will include an item to enable members to declare an interest in the business of the meeting;
- a member who declares an interest should leave the meeting to enable the remaining members to consider if her/his absence is necessary and/or appropriate;
- other members should agree how the conflict should be managed. This may include allowing the conflicted member to speak on the matter but not participate in the decision making process;
- all declarations of interest should be 'formally noted' on the appropriate report, if known in advance of the meeting, and recorded in the minute of the meeting;
- members to consider whether it is appropriate (for transparency reasons) to state publicly if they have a connection to an agenda item which does not necessarily amount to an interest; and
- members can apply to the Standards Commission and ask for a grant dispensation to allow participation and decision making on a matter where an interest may have resulted from withdrawal from discussion/decision making on the matter in question; such an application to the Standards Commission must take place in advance and participation cannot occur until the application is granted.

Notwithstanding the above, it remains the individual responsibility of a member to declare an interest.

In the event that a member of the Board of Management, or anyone in attendance at a Board of Management meeting, is aware of another member's undeclared conflict of interest this should be brought to the attention of the Secretary.

4. Further Information

This policy forms part of the Board of Management Corporate Governance framework and the Code of Good Governance for the College sector.

5. Review

This policy is scheduled to be reviewed in two years, or earlier, should this be required.